



General Assembly

Seventieth session

Official Records

Distr.: General

7 January 2016

Original: English

Third Committee

Summary record of the 36th meeting

Held at Headquarters, New York, on Friday, 30 October 2015, at 3 p.m.

Chair: Mr. Hilale (Morocco)
 later: Ms. Kupradze (Vice-Chair) (Georgia)
 later: Mr. Hilale (Chair) (Morocco)
 later: Ms. Kupradze (Vice-Chair) (Georgia)

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The meeting was called to order at 3.05 p.m.

Agenda item 28: Social development (continued)
(A/C.3/70/L.14 and A/C.3/70/L.15)

Draft resolution A/C.3/70/L.14: Persons with albinism

1. **Mr. Dzonzi** (Malawi), introducing the draft resolution, said that persons with albinism were often subjected to multiple forms of discrimination and challenges that were often overlooked in development policies and programmes. They also faced multiple health problems that affected their daily lives. The report of the Secretary-General on the situation of persons with albinism, requested in the draft resolution, would have a particular focus on the challenges related to social inclusion, health, education and employment.

2. **Mr. Khane** (Secretary of the Committee) said that Burundi, Chad, Côte d'Ivoire, Democratic Republic of the Congo and Zambia had joined the sponsors.

Draft resolution A/C.3/70/L.15: Integrating volunteering into peace and development: the plan of action for the next decade

3. **Mr. Giacomelli da Silva** (Brazil), introducing the draft resolution, said that the draft resolution incorporated the most important recent developments, particularly the Addis Ababa Action Agenda and the 2030 Agenda for Sustainable Development. Volunteerism was an important component of any strategy for poverty eradication, sustainable development, youth empowerment, climate change, disaster prevention and management, social integration, humanitarian action and peacebuilding. It could therefore be a valuable tool for the implementation of the 2030 Agenda. He called on all Member States to foster the virtues of volunteerism worldwide.

4. **Mr. Khane** (Secretary of the Committee) said that Argentina, Armenia, Bolivia (Plurinational State of), Cameroon, Côte d'Ivoire, Jordan, Mali, Paraguay, and Togo had joined the sponsors.

(b) Social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family (continued) (A/C.3/70/L.9 and A/C.3/70/L.12)

Draft resolution A/C.3/70/L.9: Promoting social integration through social inclusion

5. **Mr. Habieh Morales** (Peru), introducing the draft resolution, said that social inclusion was a challenge for States as they worked under an ambitious and transformative vision for the future in light of the recently adopted 2030 Agenda for Sustainable Development, which required a new focus to effectively address the challenges and commitments entered into in past conferences, such as the 1995 World Summit for Social Development. The social component of the 2030 Agenda was essential, and its implementation should focus on programmes that would lead to more inclusive, participatory and fair societies. The biggest challenge facing developing countries was to convert economic growth into a better quality of life for their people. The draft resolution recognized the importance of social integration and an inclusive society, in which all peoples, especially the most vulnerable, could fully enjoy their rights, shoulder their obligations and contribute to society on equal footing. In line with the 2030 Agenda for Sustainable Development, the text recognized the cross-cutting nature of social inclusion and incorporated language strictly in accordance with the Sustainable Development Goals, emphasizing their integrated and indivisible nature.

6. **Mr. Khane** (Secretary of the Committee) said that Guatemala, Madagascar, Malawi, Panama and Paraguay had joined the sponsors.

Draft resolution A/C.3/70/L.12: Cooperatives in social development

7. **Mr. Sukhee** (Mongolia), introducing the draft resolution, said that Antigua and Barbuda, China, Croatia, Estonia, France, Georgia, Germany, Greece, Hungary, Israel, Mexico, Morocco, Netherlands, Panama, Paraguay, Portugal, Slovenia, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland and United States of America had joined the sponsors.

8. Cooperatives remained a powerful economic and social force, representing 1 billion individuals worldwide and providing income to more than 25 million people. The largest 300 cooperatives in the world had a combined annual revenue of more than \$2.2 trillion, created more jobs than their corporate counterparts and invested in innovative approaches to wider social problems, such as natural resource management and access to education and health care. The cooperative business model brought long-term

sustainability to enterprises, as demonstrated by the resilience of cooperative financial institutions in the aftermath of the global financial and economic crisis. Democratically governed, local cooperative enterprises based on values and focused on people were well-suited to achieving the Sustainable Development Goals. The 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda had acknowledged the role of cooperatives owing to their active participation in relevant discussions and events.

9. Presenting an oral amendment to the text, he said that in paragraph 7, the words "including regional initiatives" should be added to the end of the sentence.

10. Mr. Khane (Secretary of the Committee) said that Burundi, Cameroon, Madagascar, Malawi, Malaysia and Niger had joined the sponsors.

Agenda item 29: Advancement of women (continued)
(A/C.3/70/L.24)

Draft resolution A/C.3/70/L.24: Improvement of the situation of women and girls in rural areas

11. Mr. Sukhee (Mongolia), introducing the draft resolution, said that Brazil, Chad, Guinea-Bissau, Liechtenstein, Paraguay, Peru and the former Yugoslav Republic of Macedonia had joined the sponsors.

12. Women and girls continued to be economically and socially disadvantaged. While important progress had been made in many countries towards achieving the Millennium Development Goals, including gender-related goals and targets, rural women continued to struggle more than women in urban areas and rural and urban men. The report of the Secretary-General had stressed that more robust gender-responsive approaches and greater investment in rural development and rural women were needed in the 2030 Agenda for Sustainable Development.

13. The 2030 Agenda was an integral part of the draft resolution. In order to bring further development of rural women and girls in line with Goal 5, the term "girls" had been added to the title and relevant paragraphs. The draft resolution also considered indigenous peoples, older women, food security and nutrition, gender-responsive and climate-resilient rural development strategies and agricultural production, mitigation of post-conflict situations, peace mediation and mitigation of the impacts of climate change.

14. Mr. Khane (Secretary of the Committee) said that Central African Republic, Ethiopia and Mali had joined the sponsors.

Agenda item 68: Promotion and protection of the rights of children (continued)

(a) Promotion and protection of the rights of children (continued) (A/C.3/70/L.28 and A/C.3/70/L.29)

Draft resolution A/C.3/70/L.28: Rights of the Child

15. Mr. Maes (Luxembourg), introducing the draft resolution on behalf of the European Union and the Group of Latin American and Caribbean States, said that the current draft resolution had been updated to reflect relevant recent developments and the 2015 theme: the right to education. The text addressed a comprehensive range of issues in relation to the promotion and protection of the rights of the child, including the implementation of the Convention on the Rights of the Child and its Optional Protocols, non-discrimination, violence against children, children affected by armed conflict and child labour.

16. Mr. Khane (Secretary of the Committee) said that Andorra, Armenia, Bosnia and Herzegovina, Central African Republic, Georgia, Kazakhstan, Monaco, Mongolia, Montenegro, Saint Lucia, San Marino, Serbia and the former Yugoslav Republic of Macedonia had joined the sponsors.

Draft resolution A/C.3/70/L.29: The girl child

17. Mr. Ntwaagae (Botswana), introducing the draft resolution on behalf of the Southern African Development Community (SADC), said that the theme of the current draft resolution was water, sanitation and hygiene. As such, the draft resolution sought to highlight the particular hardships that children, especially girls, endured in their daily lives as a result of the lack of access to water, sanitation and hygiene, and how that negatively impacted their ability to enjoy their basic human rights and fundamental freedoms. The resolution on the girl child was vital to the SADC region because of the role it could play in galvanizing global support for the respect, protection and promotion of the rights of children, particularly the girl child. It focused international attention on issues highly prevalent in the SADC region, such as child-headed households and access to water, sanitation and hygiene, which might otherwise escape notice and thus

continue to impede the girl child from realizing her full human potential.

18. **Mr. Khane** (Secretary of the Committee) said that Benin, Central African Republic, Chad, Chile, Guinea-Bissau, Kazakhstan, Mongolia, Morocco, Niger and the former Yugoslav Republic of Macedonia had joined the sponsors.

Agenda item 69: Rights of indigenous peoples
(continued) (A/C.3/70/L.26)

Draft resolution A/C.3/70/L.26: Rights of indigenous peoples

19. **Ms. Sabja** (Plurinational State of Bolivia) introduced the draft resolution. The text highlighted efforts to make fully operational the outcome document of the World Conference on Indigenous Peoples, held in 2014. It also highlighted the promotion of the objectives in the Declaration on the Rights of Indigenous Peoples through national and regional efforts.

20. **Mr. Khane** (Secretary of the Committee) said that Argentina, Armenia, Chad, Cuba, Guatemala, Paraguay and Venezuela (Bolivarian Republic of) had joined the sponsors.

Agenda item 106: Crime prevention and criminal justice (continued) (A/C.3/70/L.8)

Draft resolution A/C.3/70/L.8: Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity

21. **Mr. Lambertini** (Italy), introducing the draft resolution, said that Denmark, France, Hungary, Iraq, Luxembourg, Poland, Portugal and Slovenia had joined the sponsors.

22. The main purpose of the resolution was to build consensus on and highlight the combat against transnational crime within the broader framework of United Nations policy and action, promote the universality and implementation of relevant instruments and confirm support for the technical assistance activities of the United Nations Office on Drugs and Crime in that field. The current draft resolution would overhaul and streamline the previous text, taking into consideration the many important events that had occurred in the intervening year.

23. **Mr. Khane** (Secretary of the Committee) said that Austria, Belgium, Benin, Bulgaria, Costa Rica, Croatia, Cyprus, Estonia, Greece, Kazakhstan, Malta, Micronesia, Paraguay, San Marino and the former Yugoslav Republic of Macedonia had joined the sponsors.

Agenda item 107: International drug control
(continued) (A/C.3/70/L.10)

Draft resolution A/C.3/70/L.10: International cooperation against the world drug problem

24. **Mr. Ríos Sánchez** (Mexico), introducing the draft resolution, said that the content of the draft resolution had been updated. It emphasized human rights and development, focused on the social impacts of the world drug problem and referenced the special session of the General Assembly to be held in April 2016.

25. **Mr. Khane** (Secretary of the Committee) said that Antigua and Barbuda, Armenia, Benin, Costa Rica, Guatemala, Kazakhstan and Paraguay had joined the sponsors.

Agenda item 72: Promotion and protection of human rights (continued) (A/70/40)

(b) **Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms** (continued) (A/70/56, A/70/111, A/70/154, A/70/166, A/70/167, A/70/203, A/70/212, A/70/213, A/70/216, A/70/217, A/70/255, A/70/257, A/70/258, A/70/259, A/70/260, A/70/261, A/70/263, A/70/266, A/70/270, A/70/271, A/70/274, A/70/275, A/70/279 and Corr.1, A/70/285, A/70/286, A/70/287, A/70/290, A/70/297, A/70/303, A/70/304, A/70/306, A/70/310, A/70/316, A/70/334, A/70/342, A/70/345, A/70/347, A/70/361, A/70/371, A/70/405, A/70/414, A/70/415 and A/70/438)

(c) **Human rights situations and reports of special rapporteurs and representatives** (continued) (A/70/313, A/70/332, A/70/352, A/70/362, A/70/392, A/70/393, A/70/411, A/70/412; A/C.3/70/2, A/C.3/70/4 and A/C.3/70/5)

26. **Mr. Saito** (Japan) said that, although individual Governments had the primary responsibility for promoting and protecting human rights, the

international community should express concern when warranted. In that regard, Japan had been engaging in human rights dialogues with many States, taking into account their history, culture, tradition and specific situations.

27. The human rights situation in the Democratic People's Republic of Korea remained a very serious concern. In 2014, it had become a formal agenda item in the Security Council. In 2015, Office of the United Nations High Commissioner for Human Rights (OHCHR) had established an office in Seoul, and the Human Rights Council had held a panel discussion on the issue. Despite those efforts, there were no signs of improvement. Japan and the European Union had therefore decided once again to sponsor a draft resolution on the issue and expected that it would continue to be discussed in the Security Council. Additionally, Japan attached great importance to the abduction issue, which was one of the most serious human rights violations of the Democratic People's Republic of Korea.

28. With regard to the human rights situation in Syria, Japan strongly condemned the blatant violation of human rights and international law by all parties to the conflict and was deeply concerned by the influx of large numbers of refugees into Europe and the threat posed by Islamic State in Iraq and the Levant (ISIL), not only to the Middle East, but to the international order itself. A political solution to the conflict should be based on the Geneva communiqué, and a regime transition process led by the Syrians themselves would advance progress.

29. The Government of Myanmar had taken steps towards democratization and national reconciliation, and Japan welcomed the nationwide ceasefire agreement. His Government hoped that the elections in November would be held in a free and fair manner, but remained deeply concerned about the situation of ethnic and religious minorities in the country, including those in Rakhine State. Japan remained open to bilateral human rights dialogue and encouraged Myanmar's efforts to unify the country.

30. Many issues still needed to be improved in the human rights situation in Iran, including limitations on freedom of expression and the detention of journalists. Japan noted Iran's positive engagement in their annual bilateral human rights dialogue and hoped to see Iran make progress in the protection of the rights of its

citizens and the status of women. His Government expected cooperation between Iran and the international community, in particular OHCHR and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, to be strengthened.

31. Ms. AlMuzaini (Kuwait) said that her country supported all international efforts to strengthen and protect human rights, including the adoption by consensus of instruments that would uphold those rights while taking into account the cultural and religious characteristics of States.

32. Initiatives to strengthen respect for human rights could facilitate States' efforts to promote sustainable development and, in accordance with its Constitution, Kuwait had accorded the highest priority to promoting and safeguarding human rights and fundamental freedoms within the country. The Kuwaiti Government had adopted legislation to that end and was striving to disseminate an understanding of human rights values throughout Kuwaiti society. Kuwait would continue its efforts to uphold the international conventions on human rights to which it was a party and, in accordance with the Paris Principles, was establishing a national human rights office. Her country was, moreover, making every effort to implement the recommendations made pursuant to the adoption of its second periodic report, submitted in January 2015 under the universal periodic review of the Human Rights Council.

33. Increasing attention was being accorded to human rights violations. Against that backdrop, Kuwait condemned illegal Israeli practices in the Occupied Palestinian Territory and Israel's ongoing violation of the human rights of the Palestinian people, including its restrictions on their freedom of movement, as well as the annexation of their territory, the destruction of homes and other flagrant violations of the principles of human rights as embodied in United Nations resolutions and the Fourth Geneva Convention of 1949. In that regard, her delegation shared the concerns expressed by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, including with regard to Israel's ongoing attacks against Palestinian places of worship. The international community had a great responsibility to put an end to those illegal violations by the Occupying Power, as well as an obligation to fulfil its commitments to apply legitimate international resolutions.

34. The Kuwaiti delegation was also pained by the continued violence in Syria, now entering its fifth year, and its devastating repercussions on people and property. Roughly half of that country's inhabitants lived in difficult humanitarian circumstances, whether as refugees in neighbouring countries or as displaced persons. Kuwait stressed the need to redouble international efforts to expedite a political solution that would allow the Syrian people to realize their aspirations to a life of liberty and dignity. She reiterated her country's commitment to promoting and spreading a culture of human rights and international cooperation through its participation in all international human rights forums and its partnership with all United Nations and other relevant entities, as well as non-governmental human rights organizations, to achieve a better life for all humanity.

35. *Ms. Kupradze (Georgia), Vice-Chair, took the Chair.*

36. **Ms. Gebrekidan** (Eritrea) said that the people of Eritrea, who had fought for their basic human rights for over half a century, attached great importance to human rights and fundamental freedoms. Her Government had renewed its commitment to the promotion and protection of political, economic, social and cultural rights for all. The Ministry of Justice was raising awareness among enforcement agencies, local officials and the general public on the implementation of the recently published civic and penal codes. A four-year medium-term development programme incorporated human rights and focused on increasing development efforts, restructuring public institutions and consolidating the nation-building process.

37. All States must implement universally recognized human rights and fundamental freedoms to enhance international cooperation and solidarity, which should place equal emphasis on both International Covenants on Human Rights and be founded on the principles of non-politicization, non-selectivity and non-confrontation. The issue of human rights should not be used to serve a political agenda. National Governments had the primary responsibility to promote and protect the human rights of all persons within their respective territories. International engagement on that issue should therefore strengthen the capacity of States to fulfil their national priorities and international obligations. Eritrea strongly supported the universal periodic review; as a forum for constructive and transparent dialogue, it had proven to be the best

mechanism in addressing the human rights situation in all States.

38. Human rights discussions could not be meaningful without addressing poverty, instability, occupation and unjustified sanctions, which greatly impacted the right to live in peace and the right to development. Her delegation urged the international community to help end the occupation of sovereign territories and unconditionally lift illegal and unjust sanctions.

39. **Mr. Elbahi** (Sudan) said that his country had done much to advance and strengthen human rights. To uphold the rights of children, for example, Sudan had established specialized juvenile courts in accordance with international legal norms to hear cases involving minors. Sudan had acceded to the Convention on the Rights of the Child and had signed the Optional Protocols thereto. It had also acceded to the Convention concerning Minimum Age for Admission to Employment and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. Furthermore, children under 18 years of age were prohibited from joining the army, police or security forces. Sudan was also actively promoting the participation of women in public life. Women held some 30 per cent of seats in parliament and held senior positions in Government, the police and the armed forces. Moreover, his Government had taken steps to guarantee the rights of persons with disabilities, including the establishment of a national council on disability, half of whose members were themselves persons with disabilities. Sudan made every effort to ensure that persons with disabilities participated fully in all areas of life in the country. The Sudanese Government had also made significant progress in its efforts to combating human trafficking: it had amended its legislation on trafficking, signed agreements with neighbouring countries on transborder security, and had hosted a regional conference on combatting human trafficking and smuggling in the Horn of Africa. Sudan had drawn up a comprehensive plan on strengthening human rights and had established an independent human rights committee. There was also a special office to investigate alleged human rights violations and bring perpetrators of human rights abuses to justice. His country would continue to work closely with all relevant United Nations bodies, special rapporteurs and special procedures.

40. For States to promote human rights worldwide, it was critical to avoid any politicization or double standards. Human rights issues must be addressed in appropriate forums, including, in particular, under the universal periodic review of the Human Rights Council. It was crucial to address human rights holistically, *inter alia*, by addressing the root causes of any violations: those included armed conflicts, the imposition of unilateral sanctions and certain States' high external debt burdens. In that regard, recent critical comments by the representative of the United States of America regarding the human rights situation in Sudan were regrettable. All countries, including the United States, must address domestic human rights challenges, and they must refrain from politicizing human rights issues and imposing double standards. Instead they must seek to address human rights challenges through dialogue and international cooperation.

41. Ms. Mainali (Nepal) said that human rights were the central pillar of democracy, governance and sustainable development. The constitution of Nepal, promulgated in 2015, reaffirmed her Government's strong commitment to human rights by guaranteeing political, social, cultural and economic rights and ensuring that there would be no discrimination on the basis of religion, race, origin, caste or ideology. Nepal had implemented national plans of action to promote equity, equality and social justice with greater transparency and accountability in the governance system.

42. Her Government prioritized comprehensive national policies and action plans on the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities. Security Council resolutions 1325 (2000) and 1820 (2008) were being implemented to ensure the meaningful participation of women in the post-conflict peace and development process. Her Government also recognized the positive role of the media, civil society organizations and human rights defenders. It had been implementing a five-year national plan of action on human rights, which stressed the collective responsibility of all stakeholders for its implementation, including central and local agencies, bilateral and multilateral donors and development partners. A commission on disappeared persons and the Truth and Reconciliation

Commission had been established to address the human rights violations that had occurred during the conflict.

43. The massive earthquakes that struck Nepal were a major setback to the progress that had been made towards achieving the Millennium Development Goals. Nepal was currently working to integrate the 2030 Agenda for Sustainable Development into its development plans, focusing on the eradication of poverty and hunger and the promotion of human rights. In order to protect the basic human rights of migrant workers, coordinated and concerted efforts were needed at the national, regional and international levels. Nepal therefore supported initiatives to define the roles and responsibilities of countries of origin, transit and destination and work collaboratively to protect the rights of all migrant workers and their families.

44. While her Government had achieved significant progress, it needed to redouble its efforts to establish strong national legislation with consistent policy frameworks and efficient and effective institutional mechanisms for the full enjoyment of human rights. As a least developed country emerging from conflict, Nepal faced significant constraints in mobilizing resources. She called on the international community to strengthen its partnership with Nepal to assist in the promotion and protection of human rights and fundamental freedoms of its people.

45. Mr. Jaime Calderón (El Salvador) said that migration was a crosscutting issue with many dimensions, and it was therefore necessary to analyse carefully its causes and consequences and adopt solutions that involved migrant populations. Since 2009, El Salvador had implemented a governmental policy to provide care and protection to its compatriots abroad and had focused on protecting the human rights of migrants, irrespective of their migratory status. There were many causes of migration, including better jobs, better economic conditions, family reunification, natural disasters and violence. His Government recognized the positive impact of migrants on economic, social and cultural development in both countries of origin and destination.

46. In 2014 there had been a surge in the irregular migration of unaccompanied children and adolescents towards the United States of America. The States of the Northern Triangle (El Salvador, Guatemala and Honduras) had taken immediate as well as medium-

and long-term actions to address the migratory dynamic and improve their socioeconomic conditions. The Plan of the Alliance for Prosperity in the Northern Triangle was therefore designed to improve the living conditions in each of those States so that adults, children and adolescents could consider migration an option, not an obligation. Since the Plan had been launched, it had focused on productive development, investment in human capital, citizen security and stronger local institutions.

47. The resolution on migrant children and adolescents reaffirmed the need to effectively promote and protect their human rights and fundamental freedoms, independent of their migratory status. The resolution had requested the United Nations to follow up on the situation of accompanied and unaccompanied migrant children and adolescents by incorporating that information in the report addressing the human rights of migrants, which had been presented in the current session of the General Assembly. His delegation expressed deep concern that the mandate had been overlooked and the information on the situation of accompanied and unaccompanied minors had not been included in the report (A/70/259).

48. The challenges of migration could not be addressed by States in isolation. The international community must carefully analyse the relationship between migration and national security and borders, recognizing that secure borders should never come at the cost of human rights violations against migrant populations. Migrants should not be assumed to be criminals and should never be treated as such. The international community must open its eyes and realize that the loss of even one human being was too much and required action. States would need to look beyond borders and territorial security to find solutions.

49. Ms. Lwin (Myanmar) said that the United Nations had assisted Member States with many achievements in the realization of human rights and fundamental freedoms. Nevertheless, challenges remained; country-specific mandates and resolutions continued, even though they hindered the promotion and protection of human rights based on the principles of cooperation and genuine dialogue. Many Member States, including Myanmar, firmly believed that the universal periodic review process was the most reliable mechanism, whereas the working methods and modalities of country-specific mandates led to polarization and disagreement. Under the universal periodic review

process, all Member States had the right to submit national reports and provide facts and information, which was not the case under country-specific mandates. Both the Special Adviser on Myanmar and the Special Rapporteur on the situation of human rights in Myanmar had presented their reports under the same agenda item. Myanmar had been permitted very limited time to respond to their lengthy draft reports, and its responses could not be annexed to the reports, thus denying it the right to address allegations, discrepancies and factual flaws and weakening the balance of the report. Myanmar's views had never been sought before the release of the report of the Special Adviser.

50. Far-reaching reforms in Myanmar had reached many significant benchmarks. There was greater freedom of expression and freedom of peaceful assembly and association and many well-functioning non-governmental organizations, civil society organizations and labour unions. There was also a national human rights commission that operated under the Paris Principles. In the past four and a half years, her Government had enacted or amended over 180 laws, many of which reflected Myanmar's obligations under international human rights treaties. From 2011 to 2015, Myanmar had joined four such treaties, including the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. The upcoming elections also constituted a milestone on the path to democratic transition. While her Government had made significant progress, it was also well aware of the challenges and addressed them with determination and transparency. It had invited many international partners and high-level United Nations personnel, including the mandate holders on Myanmar, to visit the country. Her Government appreciated the strong support and encouragement from the international community, but was concerned about attempts to overshadow its remarkable achievements by focusing on a few challenges that were common to many other States.

51. The international community must seriously ponder whether it was fair to place a country that had made significant positive changes under the scrutiny of numerous parallel mechanisms, including the General Assembly, the Human Rights Council, the Special Rapporteur on the situation of human rights in Myanmar and the High Commissioner for Human

Rights and Partnership Group on Myanmar. It was time to ensure that the work of the Committee was guided by the principles of universality, impartiality, objectivity and non-selectivity and eliminate double standards and politicization in the promotion and protection of human rights.

52. *Mr. Hilale (Morocco) resumed the Chair.*

53. **Mr. Ndong Ella (Gabon)** said that respect for human rights and dignity was a prerequisite for harmonious development based on the well-being of all peoples, without discrimination on the basis of gender, religion, political opinion, ethnicity or social status. To establish Gabon as an emerging country by 2025, his Government had introduced reforms that focused on protecting the most vulnerable, particularly women, children, persons with disabilities and older persons.

54. The retirement pensions of older persons had been increased and they had access to social welfare, including full coverage for the treatment of cancer and renal failure. Since 2011, the Government had provided 200 million CFA francs in microfinancing to persons with disabilities for their economic and social empowerment, and other measures were being established to ensure their participation in public affairs and to outline a national plan for accessibility for their full integration into society. Legislation and regulations that benefited widows and orphans had been established with support from the First Lady's foundation in order to combat dispossession and ill-treatment. Gabon subscribed to many international instruments regarding refugees, especially the Geneva Convention and the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa. His Government had always hosted refugees and asylum seekers from conflict areas in the subregion; most victims were women, children and older persons. They benefited from government assistance, including access to education, health care and land in order to facilitate their integration and economic independence.

55. Since the right to life was sacred, Gabon had abolished the death penalty in 2010 and had joined the Optional Protocol to the International Covenant on Civil and Political Rights. The promotion and protection of human rights required strong cooperation between States and United Nations mechanisms, especially the Human Rights Council, the universal periodic review mechanism, the special procedures and

treaty bodies. Gabon was fully committed to implementing the recommendations from the universal periodic review in 2008 and 2012. To adapt to the new requirements and standards for human rights protection, his Government had strengthened national legislation and the legal system. It had established courts of first instance, with jurisdictions for minors and monitoring mechanisms to prevent and combat the ill-treatment of children.

56. Responses to human rights issues must be sought through a permanent dialogue between the United Nations and its Member States. Confrontation would not be constructive at a time when the world was facing numerous humanitarian challenges that would not be overcome without global efforts.

57. **Mr. Dabbashi (Libya)** said that Libya was experiencing a critical phase of instability that impeded efforts by its legitimate Government to uphold human rights throughout the country. Many armed terrorist groups, including Al-Qaida and ISIL were challenging State authorities, impeding the country's democratic transition, undermining security and perpetrating human rights violations, including torture, extra-legal execution and forced disappearances. The legitimate Government of Libya denounced the human rights violations committed by all armed groups and condemned all actions that violated national legislation and international instruments. His Government was striving to fight impunity, restore the rule of law, and investigate all crimes, regardless of the identity of their victims or perpetrators. He emphasized, however, that his Government would be unable to uphold human rights fully or address all instances of impunity until the arms embargo imposed on Libya was lifted, enabling it to expel the illegal militias that were occupying the country's capital. His country welcomed the establishment of the Office of the United Nations High Commissioner for Human Rights Investigation on Libya and stood ready to cooperate fully with that Investigation to ensure the success of its mandate.

58. In May 2015, the legitimate Libyan authorities had submitted the country's second periodic report under the universal periodic review of the Human Rights Council. Libya would continue to cooperate as far as it could with all United Nations human rights mechanisms. In that connection, he reiterated his country's open invitation to all United Nations special rapporteurs and special procedures to visit his country.

59. The people and legitimate Government of Libya were intent on moving forward with a State based on human rights, the rule of law and democracy, and would continue to respect all their international human rights obligations. The Libyan authorities were striving to uphold the rights of migrant workers, and combat the smuggling of migrants and human trafficking. They were also working closely with the European Union to combat illegal migration and save lives in the Mediterranean.

60. The Libyan authorities had recently taken a number of steps to promote and protect human rights, including the enactment of a law on transitional justice that provided for the establishment of a reconciliation and fact-finding mission to investigate human rights violations and established a fund to compensate victims. Libya had also enacted a law criminalizing torture, forced disappearances and discrimination and was striving to raise awareness among children and students of the need to uphold human rights.

61. Lastly, his delegation noted that in order to enjoy consensus, draft resolutions must take into account religious, cultural and legislative differences in societies and respect cultural pluralism. It rejected any attempts to enshrine concepts that violated the Sharia of Islam and the social values of the Libyan people.

62. **Mr. Perera** (Sri Lanka) said that, after nearly three decades of conflict, Sri Lanka had restored peace in 2009. However, peace had become elusive, and the opportunity to heal the wounds of the past, unite communities through reconciliation and build a nation that celebrated the rich diversity of the country had been squandered. A sense of triumphalism had polarized communities even further and isolated the country internationally. In January 2015, the people of Sri Lanka had elected a new Government with the participation of 81.52 per cent of registered voters, and a series of institutional changes had followed. The former military governors of the northern and eastern provinces had been replaced with two senior former civil servants in order to restore civilian administration, which had been strengthened by the progressive cessation of military involvement in civilian activities and by the conversion of high security zones into resettlement areas for internally displaced people.

63. Upon taking office, the new Government had acknowledged the State's past tragedies and emphasized the urgent need for healing and unity. In its declaration

of peace, it paid respect to the peoples of all ethnicities and religions who had lost their lives, both during the conflict and since independence. Far-reaching constitutional changes had been introduced to reduce the powers of the executive presidency and place that office under the jurisdiction of the Supreme Court. A constitutional council had been established to ensure the independence and integrity of appointments to the judiciary, public service offices, the election commission and the national human rights commission, among others.

64. At the inauguration of the eighth parliament in September 2015, the President had affirmed that the formation of a national unity government was essential to obtaining bipartisan consensus. His Government fully recognized that the process of reconciliation and peacebuilding would involve addressing truth, justice, reparations and non-recurrence, as well as a political settlement that addressed the grievances of the Tamil people in Sri Lanka. In that regard, his Government had proposed a commission on truth, justice, reconciliation and non-recurrence and an office on missing persons. It would also set up an office for reparations to implement the recommendations of those bodies. A judicial mechanism with a special counsel had also been proposed, along with administrative and judicial reforms and a new constitution containing a bill of human rights. Those mechanisms would be designed through a process of consultations involving all stakeholders, including victims. The national human rights commission would be strengthened in accordance with the Paris Principles.

65. His Government looked forward to signing and ratifying the International Convention for the Protection of All Persons from Enforced Disappearance without delay. It was updating antiterrorism legislation to bring it in line with international best practices, reviewing legislation regarding public security ordinances and victim and witness protection and working with civil society groups to take their views into consideration. The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence had visited Sri Lanka in April 2015, and his Government looked forward to inviting other special procedure mandate holders to visit as well. It was working closely with the Peacebuilding Support Office to initiate programmes to meet the immediate needs of the reconciliation process.

66. Sri Lanka had succeeded in rejoining the international community as a responsible, confident

and peaceful nation that respected the universal values of freedom, equality and justice. Reconciliation was a process that would take time and must be carefully planned and executed. His Government nevertheless remained firm in its resolve to ensure justice, remove the causes of terrorism and achieve a durable peace for the long-suffering people of Sri Lanka.

67. Mr. Liu Jieyi (China) said that all States were equal members of the international community and should therefore reject the politicization of human rights issues, refrain from interference in the internal affairs of any State on the pretext of promoting human rights, and respect the rights of Governments and peoples to choose their development path. Development was the foundation for peace and the sole route to the realization of human rights. Within the framework of the 2030 Agenda for Sustainable Development, the aspirations of developing countries must be fully respected to realize the rights to life and development, and developed countries should show good faith and honour their commitments to help developing countries advance in those goals.

68. States must continue to strengthen and improve their human rights work to meet the evolving needs of their citizens; respect the diversity of human rights development paths; view one another's human rights situations from a holistic, objective and impartial perspective; promote constructive cooperation; and settle disputes and differences through dialogue and consultations.

69. His Government had announced a number of major human rights initiatives, including a 10-year, \$1 billion peace and development fund to support the work of the United Nations and advance multilateral cooperation; a South-South cooperation assistance fund, with an initial contribution of \$2 billion, to help developing countries implement the 2030 Agenda for Sustainable Development; and a \$10 million donation to UN-Women to support women-related activities around the world and promote the protection of women's rights.

70. China had integrated human rights into a development path suited to its particular conditions. As a result, the Chinese people were enjoying a level of human rights protection that was better than ever before. China had halved the number of people living in poverty, provided employment for 770 million people, achieved universal coverage of nine-year

compulsory education and established the initial structure for a universal medical insurance system and social security. The Chinese people were enjoying more legal guarantees of their rights and freedoms, and the protection of human rights and the rule of law had been further improved.

71. Mr. Nkoloi (Botswana) said that the special procedure mandates were an important mechanism for the protection and promotion of universal human rights and fundamental freedoms. Human rights should be approached comprehensively, in a way that contributed to national and international development. Botswana participated actively in the work of the Human Rights Council and attached great importance to protection and respect for human rights. It supported the work of the High Commissioner for Human Rights and his Office, including the recent initiatives aimed at ensuring greater transparency and fairness in executing the mandate.

72. His Government was deeply concerned by some of the reports presented under the current agenda item, which clearly indicated that human rights abuses and other violations had been worsening in some parts of the world. Protracted conflicts had become fertile grounds for terrorist groups to incubate and carry out their heinous operations, and some States were indiscriminately and systematically committing gross human rights violations. Humanitarian emergencies, including those resulting from current migration patterns, were at a record high since the Second World War, and instability and insecurity were on the rise.

73. His delegation hoped that all actors involved in the promotion and protection of human rights could earnestly work together for the betterment of humanity. Their roles, particularly those of the special procedure mandate holders and other mechanisms of the Office of the United Nations High Commissioner for Human Rights, must be well defined to improve coordination and use resources efficiently.

74. Ms. Kupradze (Georgia), Vice-Chair, resumed the Chair.

75. Ms. Moreno Guerra (Cuba) said that her country reaffirmed its commitment to international cooperation for human rights based on the principles of mutual respect, truth, justice, universality, impartiality and non-selectivity, which was the only way to promote the protection of human rights at the international level. Nevertheless, some Powers continued to promote

selective initiatives against developing countries for political motivations and hegemonic interests and persisted in presenting numerous accusations of alleged human rights violations against third world countries; that practice ran counter to international law and the Charter of the United Nations and sought to justify the aggression and unilateral coercive measures inflicted on developing countries.

76. Some of those States, such as the United States, ignored their own notorious human rights violations. They passed judgement on others while saying nothing about their own wars of aggression and conquests, secret flights and prisons, abductions, extrajudicial executions using drones or concentration camps where torture and other violations occurred. Cuba was not a country that suffered from racial discrimination, police brutality or the ensuing deaths. Cuba did not torture individuals or keep them in judicial limbo, nor was there corruption in the political or electoral systems. Western Powers also continued to ignore the human rights violations that had caused waves of immigrants to arrive in Europe as they attempted to flee the misery and conflicts caused by those States, which had overthrown sovereign Governments by force or through so-called soft coups.

77. The universal periodic review was the appropriate mechanism to address the human rights situation in all States without distinction and without politicization. Her Government was working to implement the constructive recommendations made during the presentation of its second report to that mechanism. It fully cooperated with human rights procedures and mechanisms that were universally applied and engaged in positive dialogue with international treaty bodies. In that spirit, the President of the International Committee of the Red Cross and the Special Rapporteur on trafficking in persons, especially women and children were invited to visit Cuba. Her Government also maintained human rights dialogue with other States, including the United States, in which Cuba participated constructively while holding firm to its convictions.

78. The economic, trade and financial blockade imposed on Cuba was a flagrant, mass and systematic violation of the human rights of all Cubans.

79. Greater priority and visibility should be given to finding solutions to poverty, illiteracy and the lack of access to health, education and food. The international

community should focus its efforts on the effective enjoyment of all human rights and the respect for cultural diversity, religion, right to self-determination and political, economic and social systems. It must banish hypocrisy and the spurious focus that served only the political agendas and geostrategic interests of large Powers.

80. Mr. Castro Cordoba (Costa Rica) said that his country was committed to combating poverty, inequality and all forms of discrimination and to promoting the right to development. It welcomed diversity and multiculturalism and urged respect for the rights of minors and vulnerable groups. The 2030 Agenda for Sustainable Development would be crucial to achieving those goals. Its implementation must therefore incorporate the principles of universality, interdependence and indivisibility and take into consideration the specific needs of indigenous peoples, Afro-descendants, persons with disabilities, older persons, migrants and others.

81. Costa Rica called for the recognition of the needs of women faced with gender violence, especially migrant, indigenous and rural women, and their inclusion in short-, medium- and long-term public policies. The international community must combat the normalization of sexual violence as well as child and teenage pregnancy. It must prioritize the sexual and reproductive health of women in order to guarantee sexual and reproductive rights, including respect for sexual orientation and gender identity, and their inclusion as integral human rights. Costa Rica continued to strengthen the institutional framework for gender equality in political participation and decision-making. The full participation of women under equal conditions was encouraged through reforms to the electoral code and the establishment of a minimum quota in nominations for elections, party structures and training. Those types of policies should be implemented globally as well as within the United Nations system to ensure that all intergovernmental bodies fully integrated a gender perspective in all issues and in their mandates. Costa Rica called for the position of the Secretary-General to be held by a woman, not only because it was overdue, but because it was necessary to recognize and benefit from the contributions, abilities and the commitment that many qualified women could bring to that position.

82. As the world reeled from the worst humanitarian crisis in decades, which had displaced millions of

people, it was essential to respect the human rights of migrants, especially children and women. An active civil society was one of the most effective ways to prevent conflicts and violent extremism. A strong, multidimensional and comprehensive approach to human security was needed to fully protect those whose survival, way of life and dignity were at risk. The international community must address conflict and post-conflict situations and broaden efforts to protect civilians, combat sexual violence, protect children and women in armed conflict and establish peace and security. The rights and safety of those who worked to promote and protect the human rights of others should also be comprehensively addressed. He expressed concern for the safety of journalists, who exercised their right to freedom of expression and opinion. The promotion, protection and realization of all human rights was essential to international governance. It was imperative to urgently respond to the existing international threats and humanitarian crises by strengthening international institutions and employing a strong human rights-based approach.

83. **Mr. Dzonzi (Malawi)** said that, upon becoming a multiparty democracy in 1994, his country had adopted a new constitution with a bill of rights. His Government was committed to a social and national order where human rights were enjoyed by all and believed that there was a link between human rights and sustainable development goals. The right to development was crucial to Malawi. In areas where people lacked access to housing, health, food security and other fundamentals of life, there could be no true peace, safety, security or pursuit of happiness. Sustainable development could therefore not be achieved without addressing those issues.

84. In regard to the right to education, Malawi had implemented a policy of free primary education and was working to meet Goal 4 of the Sustainable Development Goals to establish free secondary education, which was currently heavily subsidized. His Government was committed to offering education to children, with particular emphasis on the girl child and children with disabilities. The President had recently hosted an event to promote higher education as an avenue for the implementation of the Sustainable Development Goals in Malawi, Africa and beyond. The realization of the rights to water and sanitation was a major priority for his Government, which had developed policies to guide programming and planning

at the national level and was working with local authorities, non-governmental organizations and service providers to apply sustainable technical solutions to the provision of water.

85. Many people had been internally displaced by heavy flooding during the 2014-2015 rainy season. His Government required support to strengthen the capacity for managing Malawi's response mechanism, financial resources and expertise to establish a proactive response to internal displacement. It was committed to the full enjoyment of the right to peaceful assembly and association, and the police service had been trained in modern public order and management skills. In order to pursue the implementation of the Sustainable Development Goals, States like Malawi needed protection from the effects of foreign debts and other related international financial obligations that impacted the full enjoyment of all human rights, particularly economic, social and cultural rights.

86. **Mr. Marani (Argentina)** said that his country was committed to combating all forms of discrimination, including discrimination based on sexual orientation and gender identity. As a member of the Core Group LGBT, Argentina had helped to organize a high-level event regarding the equal inclusion of LGBTI peoples in the 2030 Agenda for Sustainable Development. All forms of violence against persons based on sexual orientation or gender identity must be eradicated. The international community must work towards guaranteeing the full recognition and exercise of human rights, even though the fundamental responsibility lay with States, which must also bring to justice those who impeded or denied those rights.

87. Repeated and frequent violations of the rights of older persons persisted, despite the positive aspects of the many existing instruments for their protection. However, most of those instruments were non-binding and not universal. Only the development of a universal and legally binding international instrument could allow the international community to ensure the full respect, protection and enjoyment of the human rights of older persons. The General Assembly had already approved the mandate to move forward in that area.

88. Argentina had actively participated in the drafting and negotiation of the International Convention for the Protection of All Persons from Enforced Disappearance,

which was the first legally binding instrument to define enforced disappearances as a systematic practice and a crime that was not subject to statutes of limitations. The Convention condemned the wrongful removal of children who were forcibly displaced and established the right to truth. The work of the Committee had allowed for the development of preventive measures, including monitoring and early warning mechanisms. Currently, 51 States had ratified the Convention, and Argentina was committed to the goal of universal ratification.

89. The international community must strengthen the institutional framework and mechanisms for the promotion and protection of human rights at the national, regional and international levels in all areas of human rights, including the right to cultural diversity; the right to a true democracy with free, inclusive and transparent elections; and the rights of migrants, refugees and displaced persons. Both the Human Rights Council and the Office of the United Nations High Commissioner for Human Rights, especially its institutional framework and budget, must be strengthened.

90. **Mr. Mangisi** (Tonga) said that his country continued to advance in the area of human rights; the first democratically elected Prime Minister had taken office in 2015. As noted in the 2012 universal periodic review, democratic governance had been implemented with high levels of electoral participation. Tonga affirmed its cross-cutting commitment to the protection and promotion of human rights in the Samoa Pathway and acknowledged the importance of human rights to development, an adequate standard of living and social protections. The promotion of peaceful and inclusive societies was integral to the protection of human rights and the attainment of sustainable development, as evidenced by Sustainable Development Goal 16.

91. Climate change posed a threat to small island developing States in all areas of their work, including human rights. At the third United Nations World Conference on Disaster Risk Reduction, Tonga had been described as the country with the second greatest risk of the interrelated threats of tsunamis, tropical cyclones and other climate hazards, posing further risks to the security and livelihood of its citizens. The immense financial and technical challenges, in addition to the environmental pressures, represented significant trials for Tonga. Those challenges impacted the State's ability to meet its international human rights

obligations and underscored the value of genuine and durable partnerships.

Statements made in exercise of the right of reply

92. **Mr. Ugurluoğlu** (Turkey) said that the statement by the representative of Greece had portrayed a selective and one-sided interpretation of history and had conveniently omitted certain facts. In 1963, the Turkish Cypriots, who had been founding members of the State, had been forced out of government institutions and legislative and judiciary bodies, and the atrocities committed against them had been well documented in United Nations archives. In 1964, the United Nations Peacekeeping Force in Cyprus had been deployed on the island. Those were the core facts of the Cyprus issue, which had been going on for more than 50 years. In the following 10 years, 180,000 Turkish Cypriots had been displaced on multiple occasions and forced to live scattered in enclaves. The military coup in 1974 had been instigated by the Greek military regime at the time to annex the islands. Turkey, acting within its rights and responsibilities under the 1960 agreement as a guarantor Power, had intervened to protect the Turkish Cypriots and to prevent the annexation.

93. The Turkish Cypriots had proven their political will to find a solution by overwhelmingly voting in favour of the United Nations comprehensive settlement plan during the separate, simultaneous referenda in 2004. Unfortunately, Turkish Cypriots continued to live in unacceptable isolation. Efforts towards ending the restrictions did not contradict Security Council resolutions 541 (1983) and 550 (1984), as stated in the report of the Secretary-General on the United Nations operation in Cyprus (S/2015/17). The international community should engage in direct economic, commercial, social and cultural contact with Turkish Cypriots and end the injustice without further delay. Turkish Cypriot authorities were taking all necessary steps to ensure that the work of the Committee on Missing Persons proceeded unhindered. Hundreds of Turkish Cypriots had gone missing between 1963 and 1974; attempts to exploit a humanitarian issue for purposes of political propaganda undermined its excellent work.

94. Since 2005, the Immovable Property Commission had been operating in northern Cyprus to provide remedies to Greek Cypriots and had been endorsed by the European Court of Human Rights. Since the

opening of a crossing point in 2003, Greek Cypriots living in northern Cyprus could easily cross to southern Cyprus. There was a positive atmosphere on the island following the return of the Greek Cypriots to the negotiating table and the intensification of the comprehensive settlement negotiations. Turkey, as it had done in the past, would continue to support the efforts of the Secretary-General and his Good Offices Mission to reach a just and comprehensive settlement agreement on the island. The issues raised in the statement of one delegation on the matter would be responded to by their counterparts, the Turkish Cypriot side, whose voice unfortunately could not be heard in the current forum. Turkish Cypriots and Greek Cypriots had established a joint technical committee to address cultural heritage issues, which had carried out several significant projects related to sites on both parts of the island.

95. **Ms. Pachoumi** (Cyprus) said that, in response to the Turkish delegation, it was undeniable that human rights violations had been ongoing in Cyprus for 41 years, since Turkey's invasion and occupation of the island. Her delegation strongly hoped that Turkey would end that situation, thus allowing a new era to begin, based on respect for international law and human rights.

96. **Mr. Choe Myong Nam** (Democratic People's Republic of Korea) said that his delegation reiterated its strong opposition to the politically motivated resolution on the Democratic People's Republic of Korea submitted by Japan and the European Union. His Government's principled position regarding the Japanese abduction cases had already been made public on many occasions, particularly in the joint declaration made by the Democratic People's Republic of Korea and Japan in September 2002. His country had made sincere and constructive efforts in that regard and had been fulfilling its obligations under the Stockholm agreement, while Japan, unfortunately, had not. The delegation of Japan, therefore, had no reason to incite hostility and confrontation by raising that issue. The continued groundless accusations made by Japan could be construed as nothing but preposterous attempts at naming and shaming as part of its domestic political agenda in order to pursue hostilities towards the Democratic People's Republic of Korea, as it had done for half a century, while turning international attention away from its egregious crimes against humanity. It was a well-known historical fact that Japan had invaded many countries in Asia in the past,

inflicting suffering and innumerable misfortunes on the people there. In Korea alone, Japan's crimes included 8.4 million forcible draftings and abductions, 1 million genocidal killings and 200,000 military sexual slaves during more than 40 years of military occupation. Japan attempted to avoid its moral and legal responsibilities for those crimes and continued to be strongly denounced by the international community for its deliberate failure to address its crimes against humanity. He urged the Japanese authorities to immediately address the State's egregious crimes against humanity, rather than resorting to futile politicization of the Japanese abduction cases.

97. **Mr. Yao Shaojun** (China) said that his delegation firmly rejected the gratuitous attacks and baseless fabrications by the United States delegation regarding the human rights situation in China. The work of the United Nations in the area of human rights must be guided by the principles of universality, impartiality, objectivity and non-selectivity. The United States did not hesitate to criticize the human rights situations in many other States but showed no intention of reflecting on and improving its own terrible human rights record. Numerous facts showed that, while the old human rights problems of the United States remained unsolved, new human rights problems continued to emerge. Instead of addressing its own ever-worsening human rights situation, the United States had been more blatant in violating the human rights of other peoples and countries. The United States human rights record was nothing to be proud of, especially given that Native Americans and minorities were subjected to systematic discrimination; intelligence agencies used torture on detainees; prison conditions were appalling; the United States routinely and extensively tapped the phones of world leaders and its own people; everything was decided by money; and social inequality was constantly widening. China hoped that, in the future, the United States would take a close look at itself before commenting on the human rights situations in other States.

98. **Mr. Salto** (Japan), responding to the statement made by the representative of the Democratic People's Republic of Korea, said that, in the intergovernmental consultations between Japan and the Democratic People's Republic of Korea in May 2014, despite its previous position on the matter, the Democratic People's Republic of Korea had promised to conduct comprehensive and full-scale investigations into all missing Japanese people, including abductees. He

urged it to ensure the safe and immediate return of all abductees, provide a full account of each abduction case and extradite those responsible. The investigations should be conducted expeditiously so that those issues could be resolved in accordance with the Pyongyang Declaration.

99. Although the representative of the Democratic People's Republic of Korea had stated that the abductions issue should not be politicized, those acts of abduction, which had torn apart families, were without doubt a human rights issue. The Commission of Inquiry had recommended that abductees and their children should be returned, and the Democratic People's Republic of Korea should sincerely accept those recommendations. The numbers mentioned by the representative on issues of the past were based on factual error and were totally groundless. For 70 years, since the end of World War II, the Japanese people had established a free and democratic nation that respected human rights and the rule of law. Japan had contributed to peace and prosperity in the Asia-Pacific region and would continue to walk the path of a peace-loving nation. It had repeatedly expressed its heartfelt apology and deep remorse for its actions during World War II.

100. **Mr. Choe Myong Nam** (Democratic People's Republic of Korea) said that his delegation categorically rejected yet another misleading allegation made by the representative of Japan. Japan could neither deny nor justify its crimes against humanity, such as the 8.4 million forced draftings and abductions, 1 million genocidal killings and 200,000 military sexual slaves that had been committed by Japan in Korea alone. Regarding its past crimes against humanity, Japan should acknowledge moral and legal responsibility, make sincere apologies, bring perpetrators to justice and make due compensation. That was the only way that Japan could rid itself of the disgraceful label of enemy State, which it had been given after World War II for its crimes of aggression, war crimes and crimes against humanity. He urged the Japanese authorities to abandon the futile and meaningless politicization of the Japanese abduction cases and instead address its egregious past crimes against humanity as a matter of utmost priority.

101. **Mr. Saito** (Japan) said that his previous statement had explained Japan's position on the issues of the past that had been presented by the representative of the Democratic People's Republic of Korea.

102. **Ms. Shlychkova** (Russian Federation) said that her delegation regretted that certain States had used the discussion to promote biased approaches and their own political agendas. Given that the matter of Crimea had been raised, her delegation wished to inform the members of the Committee that the people of Crimea fully supported the reunification of the Russian Federation and Crimea, as confirmed, among others, by opinion polls conducted by the GfK group.

103. Crimean Tatars enjoyed equal rights with other peoples of Crimea and the Russian Federation. All citizens of the Russian Federation, including Crimea, were subject to its law and international human rights obligations, including access to justice. All violations were investigated and those responsible were prosecuted. The Commissioner for Human Rights of the Russian Federation was responsible for monitoring the human rights situation.

104. The Russian Federation had already done much to improve the situation of all peoples of Crimea, in particular by rehabilitating repressed peoples, recognizing Crimean Tatar as a State language, ensuring representation in government agencies, strengthening social security and advancing education, culture and interreligious dialogue and harmony. In 2015 alone, over 1 billion roubles had been allocated to a programme in that regard. A Crimean Tatar television channel called Millet had been launched and around 30 media outlets used the different languages of the peoples of Crimea.

105. It would be more honest for the representative of Ukraine to speak of attempts by Ukrainian radical organizations, with the connivance of the authorities, to establish a food and economic blockade of Crimea or how, over the 20 years of Ukraine's independence, the problems of Crimean Tatars had been at best ignored by the authorities. It was only now that Kyiv had become their active champions on the international stage.

106. The Committee on the Elimination of Racial Discrimination, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the OSCE High Commissioner on National Minorities, the Commissioner for Human Rights of the Council of Europe, the Advisory Committee on the Framework Convention for the Protection of National Minorities and others had repeatedly pointed to critical human rights problems in Ukraine, highlighting the lack of

effective legal and political measures taken by the Ukrainian authorities to restore the rights of Crimean Tatars who had returned to Ukraine, difficulties in receiving Ukrainian citizenship, low representation of Crimean Tatars in government agencies, the unwillingness of law enforcement bodies to investigate offences motivated by intolerance, the desecration of religious and cultural objects and Muslim cemeteries, the ignoring by the authorities of the socioeconomic problems of Crimean Tatars, the ineffectiveness of legislation on the prevention of discrimination, restrictions on the use of Crimean Tatar in regional and local government agencies, the lack of schools teaching in Crimean Tatar, the fact that Crimean Tatar could not be used in courts and the State's withdrawal of support for Crimean Tatar media outlets. Those recommendations, comments and criticisms had been made by international human rights structures and institutes, not the Russian Federation.

107. It was a shame that the Ukrainian authorities were so blindly following the example of their American mentors who so loved to tell of how mature their democracy was even when there were numerous systemic problems in the field of human rights in the United States of America that had long needed to be addressed.

108. Her delegation would like to call on States that were hosting multilateral international forums to facilitate access to such events for representatives of civil society, even though their position did not always conform to the official line of the countries concerned.

109. Mr. Yaremenko (Ukraine) said that the Kremlin had started planning to take control of Crimea long before the disappearance of the former President of Ukraine, Viktor Yanukovich, which had been on 22 February 2014. Even the Russian campaign medal for the return of Crimea, produced by the Russian Federation's Ministry of Defence, marked the dates of the campaign as 20 February 2014 to 18 March 2014, which was proof of the early, non-spontaneous preparations for the invasion. Within days, unmarked Russian forces had taken over the Autonomous Republic of Crimea and Sevastopol. Following a fake referendum, which purported to show majority support for joining Russia, President Vladimir Putin had signed a treaty of accession with the self-declared independent Republic of Crimea and absorbed it into the Russian Federation, despite the fact that the annexation had not been recognized by most of the international

community. The so-called treaty had been signed by the Russian President on 18 March, the date on the medal. On 27 March 2014, the General Assembly had adopted resolution 68/262, calling upon States not to recognize changes to the integrity of Ukraine.

110. The only legitimate representatives of the Crimean Tatars, the Mejlis, denounced the illegal occupation and the attempt to annex the Autonomous Republic of Crimea.

The meeting rose at 6.10 p.m.



General Assembly

Seventieth session

Official Records

Distr.: General

6 January 2016

Original: English

Third Committee

Summary record of the 37th meeting

Held at Headquarters, New York, on Monday, 2 November 2015, at 10 a.m.

Chair: Mr. Hilale (Morocco)
later: Ms. Kupradze (Vice-Chair) (Georgia)

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Agenda item 71: Right of peoples to self-determination*

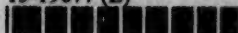
* Items which the Committee has decided to consider together.

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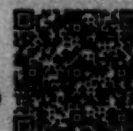
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The meeting was called to order at 10.10 a.m.

Agenda item 70: Elimination of racism, racial discrimination, xenophobia and related intolerance

- (a) **Elimination of racism, racial discrimination, xenophobia and related intolerance (A/70/18 and A/70/321)**
- (b) **Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/70/339, A/70/367, A/70/309 and A/70/335)**

Agenda item 71: Right of peoples to self-determination (A/70/314 and A/70/330)

1. **Mr. Radcliffe** (Deputy Head of the Office of the United Nations High Commissioner for Human Rights (OHCHR)), introducing the report of the Secretary-General on the programme of activities for the implementation of the International Decade for People of African Descent (A/70/339), said that the first year of the Decade had helped to promote knowledge of and respect for the heritage, culture and contribution of people of African descent. However, the fundamental issues of discrimination in the administration of justice, in particular racial profiling, and equal access to economic, social and cultural rights and effective participation continued to pose challenges. He also drew attention to the report's recommendations.

2. Introducing the report of the Secretary-General on the global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/70/367), he drew attention to its call for Member States to summon the necessary political will to respond more effectively and urgently to increasingly hostile racist and xenophobic attitudes and violence, and its emphasis on the importance of the promotion of intercultural dialogue, tolerance and respect for diversity. The report also encouraged Member States to invite the Working Group of Experts on People of African Descent to carry out country visits and to contribute generously to the implementation of the programme of activities.

3. Lastly, introducing the report of the Secretary-General on the right of peoples to self-determination (A/70/314), he drew attention to the links between self-

determination and the enjoyment of human rights, peace and stability and recalled that all States were obliged by the Charter of the United Nations to promote the realization of the right to self-determination.

4. **Ms. Mansouri** (Algeria) said that the international community should reiterate its commitment to the full implementation of the Durban Declaration and Programme of Action. In that connection, her delegation welcomed the publication by OHCHR of a practical guide to developing national action plans against racial discrimination. She asked what contribution OHCHR would make to the implementation of the International Decade for People of African Descent and, in particular, what actions it would take to encourage donors to contribute as a matter of urgency. She also encouraged OHCHR to increase its efforts to promote the right to self-determination, even though no concrete process had yet been established to resolve the situation of the remaining Non-Self-Governing Territories, including Western Sahara, and asked how OHCHR planned to advocate for the mainstreaming of human rights across all peacekeeping missions.

5. **Ms. Mballa Eyenga** (Cameroon) said that the seventieth anniversary of the victory over Nazism provided an opportunity to assess the progress that had been made towards eliminating racism, racial discrimination, xenophobia and related intolerance. It was regrettable that, despite the significant efforts of the United Nations, racially motivated discrimination and violence were increasing around the world, in part as a result of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters. She encouraged the international community to put an end to the scourge of racism and racial discrimination. In that regard, Cameroon had undertaken various actions to implement the International Convention on the Elimination of All Forms of Racial Discrimination: a law on refugee status had been adopted in 2005 and the Code of Criminal Procedure had entered into force in 2007. In conclusion, she said that combating racism was a prerequisite for the equitable and inclusive implementation of the Sustainable Development Goals.

6. **Mr. Radcliffe** (Deputy Head of the Office of the United Nations High Commissioner for Human Rights (OHCHR)) said that achieving the objectives of the International Decade for People of African Descent

would require significant efforts to challenge negative stereotypes through education. Therefore, many OHCHR activities would focus on using that channel to raise awareness and encourage people to examine their attitudes to people of African descent and other ethnic backgrounds. OHCHR would also maintain a dialogue with Governments with a view to bringing about the necessary policy and legislative changes.

7. While States might apply the right to self-determination somewhat differently, they had universally adopted a number of binding resolutions on the matter, which formed the basis for the work of OHCHR on that issue.

8. **Ms. Fanon Mendès-France** (Chair of the Working Group of Experts on People of African Descent), introducing the report of the Working Group (A/70/309), said that the sixteenth session of the Working Group, in March 2015, had focused on development, which was one of the themes of the Decade. Africans and people of African descent continued to experience socioeconomic, cultural, political and environmental inequality as a result of structural discrimination, which was a product of the slave trade, enslavement and colonialism. Women and youth were particularly vulnerable to the effects of the resulting insecurity.

9. Work to combat underdevelopment and poverty would be futile unless it went hand in hand with efforts to address racial discrimination, which was based on the scientifically, morally and legally unfounded concept of racial and cultural hierarchy. Therefore, States should use the 2030 Agenda for Sustainable Development to measure their progress in the political, economic, social, cultural and environmental development of people of African origin. The susceptibility of the capitalist liberal economy to market forces increased social inequality at the national and international levels. The primary victims were people of African descent, whose economic difficulties were often aggravated by intolerance, xenophobia, Islamophobia, gender discrimination and other forms of discrimination. The Working Group encouraged States to develop activities aimed at establishing true equality and to ensure that people of African origin participated in that process. The recognition of people of African descent was an integral element of the development issue. The full list of recommendations made by the Working Group to

the Human Rights Council was contained in its report A/HRC/30/56.

10. The Working Group had carried out a country visit to Italy earlier in 2015 and would visit Guyana before the end of the year. She thanked Member States for their invitations and urged those approached by the Working Group to confirm dates for visits as far in advance as possible. The Working Group had recently decided to improve the coherence and effectiveness of its country visits through follow-up visits to assess the impact of its recommendations or determine the reasons for any failure to implement them. In that connection, it would visit the United States of America in January 2016 to follow up on its 2010 visit. The Working Group had received information from States in response to its letters of allegation and urgent appeals; however, such communication was rarely followed by decisions bringing meaningful change to human rights situations.

11. The International Decade for People of African Descent had the potential to bring radical change to the lives of millions of people, provided that all concerned actors worked to implement its programme of activities. The effective, inclusive and dynamic involvement of negatively stereotyped populations, Member States and civil society would be required in order to heal the wounds of the past. In the course of the first 11 months of the Decade, the Working Group had highlighted the importance of the issues identified in the programme of activities, considered ways to ensure that activities would effectively put an end to the racialization of social relations, and proposed a methodological consideration of ways to bring about significant change across the thematic areas of the Decade: recognition, justice and development. Civil society and people of African descent were beginning to develop programmes and actions on issues such as reparation, legislative change and human rights training. However, increased financial and political support from States was essential in order to ensure that those activities were properly coordinated and their conclusions utilized by Governments to effect the necessary changes.

12. The Decade should give a voice to millions of people who had for too long been ignored, which would in turn break down the walls that separated people from one another on the basis of racial phenotypes, religion, geographic or social origin, Afrophobia and what some civil society organizations

referred to as "negrophobia". The programme of activities was firmly anchored in the Durban Declaration and Programme of Action, which included a strong statement by States on the power differentials that plagued international and regional relations and social relations in every society. A peaceful and secure world could not be achieved without the deconstruction of the racialization paradigm. States must demonstrate strong political will to overcome the considerable challenges and develop recognition and restoration policies centred on equality rather than identity, with a view to creating a society where people did not think of others in terms of racial categories. In that connection, it should be noted that only people of African descent and Africans were subject to discrimination on the basis of the colour of their skin.

13. The Working Group remained committed to full cooperation in the implementation of the Decade and stood ready to work with other mechanisms mandated to monitor the implementation of the Durban Declaration and Programme of Action as well as the Committee on the Elimination of Racial Discrimination and all other special procedures. The Working Group hoped that the current session of the General Assembly would provide clarification with regard to the establishment of a group on the Universal Declaration of Human rights for people of African descent. The Working Group also hoped that the current session of the General Assembly would make the Forum for People of African Descent permanent, given that it would not be possible to implement all of the aims of the Decade within ten years.

14. States should make the most of civil society's front-line knowledge in order to strengthen partnerships and develop joint projects. Without the essential contribution of civil society and non-governmental organizations, work to combat racialization, racial discrimination, xenophobia, Afrophobia, Islamophobia and related intolerance would remain invisible, as the nuances were often lost under the blanket term "racism". Success was also dependent on all actors working together at the national, regional and international levels to ensure that the Decade successfully addressed the racialization paradigm.

15. **Ms. Moutchou** (Morocco) said that the fiftieth anniversary of the International Convention on the Elimination of All Forms of Racial Discrimination and the launch of the Decade highlighted the centrality of

the Convention and the importance of the role of the Committee on the Elimination of Racial Discrimination in the protection of the rights of persons of African descent.

16. Poverty was both a cause and a consequence of discrimination. Therefore, development must not be viewed from the economic perspective alone: political, social, cultural and environmental factors must also be taken into account. People of African descent in many countries experienced racism, in particular in the workplace and on the employment market. Addressing that issue meant ensuring that people of African descent had access to justice and were fully able to enjoy their economic, social and cultural rights, including the right to development.

17. Morocco supported initiatives by the United Nations, international financial institutions and international development organizations to better monitor the situation of persons of African descent. In that context, the guidance note of the Secretary-General on racial discrimination and protection of minorities should be fully implemented by the entire United Nations system. Her delegation underscored the important role of civil society coalitions, which could share good practices, knowledge and statistical data to complement work by States.

18. **Mr. de Bustamante** (Observer for the European Union) said that human rights applied to all individuals and that all victims of racism deserved the same attention, regardless of their descent. He underscored that the Decade could not be a success unless all States took ownership of it and were fully engaged in the implementation of its programme of activities.

19. Given that no country was immune to racism or xenophobia, he would be interested to hear the views of the Chair of the Working Group on the breadth of communications and invitations for country visits. Were there any countries that would particularly benefit from a visit from the Working Group? Noting that the term "Afrophobia" was not recognized in the international legal framework or mentioned in the Durban Declaration and Programme of Action, he asked what differentiated that phenomenon from racial discrimination against people of African descent.

20. **Ms. Mansouri** (Algeria) said that poverty was both a cause and a consequence of discrimination. Marginalization, economic disparities and social exclusion were common injustices affecting the poor

living in the least developed societies. States should ensure that their development and cooperation policies reflected their responsibilities, including the duty to provide justice for people of African descent, who frequently suffered from the direct consequences of slavery, colonialism and underdevelopment. It was regrettable that the programmes and discourse of some political parties and organizations in developed countries incited and maintained racist practices that posed a direct threat to the enjoyment of human rights by people of African descent. Existing instrument should be improved in order to better combat the many contemporary forms and manifestations of racism and thereby enhance implementation of the Durban Declaration and Programme of Action.

21. *Ms. Kupradze (Georgia), Vice-Chair, took the Chair.*

22. *Mr. Ríos Sánchez (Mexico)* said that in March 2015 his Government had announced its plan for the implementation of the Decade, which included constitutional recognition for people of African descent, educational measures on equality and non-discrimination, the collection of statistical data to identify people of African descent, capacity-building within the justice system and the development of guidelines for the inclusion of content relating to the historical and contemporary Afro-Mexican population in school textbooks. His delegation would continue to participate in the efforts of the Working Group. He asked the Chair of the Working Group to share her views on regional processes for the implementation of the Decade, in particular with regard to the expected outcomes and the priorities that States should take into consideration in their discussions.

23. *Ms. Smaila (Nigeria)* said that Nigeria welcomed the Working Group's decision to collaborate with the Committee on the Elimination of Racial Discrimination. The Decade provided an opportunity to take stock of the progress that had been made in improving the situation of people of African descent and to make recommendations regarding the way forward. The implementation of a rights-based approach to development should include the establishment of the necessary conditions to properly assess the development needs of people of African descent.

24. Nigeria insisted that the political, economic, social and cultural rights of people of African descent

should be upheld at all times. It also entirely rejected the discredited, stereotype-driven notion that communicable and sexually transmitted diseases were responsible for the high morbidity and mortality rates among people of African descent. Her delegation reiterated its support for reparation and the right to development, in accordance with the Durban Declaration and Programme of Action, and called on States to repair the damage inflicted by the transatlantic slave trade, enslavement, colonialism and the exploitation of natural resources. She also urged States to make greater collective efforts to eradicate racism, racial discrimination, xenophobia and related intolerance.

25. *Ms. Mballa Eyenga (Cameroon)*, reiterating her delegation's support for the mandate of the Working Group, requested further information concerning the recommendations it had made to the Human Rights Council. She also asked what the approach to the issue of reparation should be, given that some States had not yet recognized the transatlantic slave trade, enslavement and colonialism as crimes against humanity. Lastly, she asked the Chair of the Working Group to discuss her vision for the Forum for People of African Descent.

26. *Ms. Fanon Mendès-France (Chair of the Working Group of Experts on People of African Descent)* said that the Working Group received communications concerning allegations relating to issues of justice, development and visibility affecting people of African descent. Ideally the Working Group would be able to visit every country concerned, but that was not always possible. Following up on country visits was a priority, as it was important to verify whether or not the recommendations made by the Working Group had been acted upon, for the purpose of developing best practices.

27. The term "racial discrimination" related to all victims of the concept that one race was superior to another, while "Afrophobia" related specifically to people of African origin, whether they were living on the African continent or in the diaspora. The term had originated with civil society and had been adopted by the Working Group to mark that distinction. There was no doubt that people of African descent were viewed through a distorting prism in host countries and countries that had been involved in the slave trade, enslavement and colonialism.

28. The Working Group had made a large number of recommendations to the Human Rights Council on issues such as employment, the perception of development in Africa and the links between the African continent and the diaspora. As a result of historical injustices, the global economy had a particular view of Africa, and the national economies of some countries had a particular view of people of African descent, which resulted in development challenges and underdevelopment. The recommendations therefore included a call for States to recognize and take responsibility for the impact of slavery, the slave trade and colonialism.

29. Reparation was not necessarily financial; it was an element of recognition, one of the three themes of the Decade. Reparation should be viewed in the light of the 1950 statement by the United Nations Educational, Scientific and Cultural Organization, entitled "The Race Question", which established that the concept of race, as understood in popular usage, was a myth. Facing up to history and allowing true accounts to be established was a form of reparation. It was also extremely important for States to take responsibility for the slave trade, enslavement and colonialism and to recognize that those were unique, exceptional phenomena. Misrepresentation or avoidance of the subject was not an appropriate response.

30. The Forum for People of African Descent should be permanent, as it would not be possible to eradicate a phenomenon that had plagued the world for centuries in ten years. It would be regrettable if the work of the Forum were limited to implementing a range of activities; the aim should be for actions to build an alternative discourse on racism and racial discrimination against people of African descent. In that regard, the Forum should carry out a methodological, analytical stocktaking exercise part way through the Decade to determine which actions should continue. Regional conferences would also provide an opportunity to reflect on the methodology for the Decade and the political will that was in evidence.

31. Ms. Karska (Chair-Rapporteur of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination), introducing the report of the Working Group (A/70/330), said that it was critical for the Working Group to examine the

concept of mercenarism in order to explore how its mandate might be relevant to evolving contexts. The report therefore focused on the phenomena of foreign fighters, a contemporary form of mercenarism that had risen rapidly and unexpectedly and that had implications for human rights, including the right to self-determination. The report provided guidance to help Member States address the issue of foreign fighters, in particular as it related to human rights. The involvement of the Working Group would help to shed light on the motivations of foreign fighters and could also contribute to the creation of another layer of accountability by enabling the International Convention against the Recruitment, Use, Financing and Training of Mercenaries to be invoked in relation to foreign fighters.

32. She drew attention to paragraphs 13, 24, 25, 26 and 89 of the report, which discussed the definition, motivations and recruitment practices of foreign fighters, as well as paragraph 34 concerning the Working Group's visit to Tunisia.

33. Since the publication of the report, the Working Group had also made a country visit to Belgium. Since 2010, around 500 Belgians had become foreign fighters, in three main waves. The first wave had been linked to the group Sharia4Belgium. A second wave of fighters had departed in 2012 as a result of peer recruitment. Since 2014, most had been recruited by paid recruiters using informal networks and social media. Belgian foreign fighters had an average age of 23 and included an increasing number of women. Their motivations included religious conviction, humanitarian concerns, the search for a sense of belonging and acceptance, livelihood prospects, a desire to escape the consequences of a criminal background and the search for adventure.

34. Given the complex political context, socioeconomic disparities and the broad variety of actors and initiatives dealing with the issue of foreign fighters in the country, the Working Group had recommended that Belgium should ensure effective collaboration between actors and strengthen its national strategic plan by making it more integrated, ensuring the broadest possible participation and taking into account multidisciplinary research and analysis. The plan should also clearly establish the roles of the parties involved, adopt a human rights-based approach and ensure the inclusion of affected communities.

35. There was evidence that foreign fighters were responsible for numerous violations of human rights and international humanitarian law, including by undermining the efforts of armed opposition groups to claim the right of peoples to self-determination. She drew attention to the similarities between foreign fighters and mercenaries, as set out in paragraphs 13, 14, 15 and 88 of the report, and the recommendations for States concerning preventive and punitive measures to deal with the issue of foreign fighters contained in paragraphs 95 and 96.

36. **Ms. Moutchou** (Morocco) said that her delegation welcomed the theme of the report. She asked the Chair-Rapporteur to discuss the importance of enhancing measures and international cooperation on border controls. Morocco was of the view that the increased criminal and terrorist threat, in combination with the activities of international criminal networks, made border security essential. The approach to border security should be global, include the political, social, economic, security and legislative dimensions and promote active, supportive and coordinated cooperation at the international and regional levels.

37. **Ms. Moreno Guerra** (Cuba) asked the Chair-Rapporteur to elaborate on the need to address impunity and ensure accountability for serious violations of human rights and international humanitarian law. In particular, she wished to know how States could ensure effective trials and reparation for victims and what the challenges were in that regard.

38. **Mr. de Bustamante** (Observer for the European Union) said that the mandate of the Working Group concerned mercenaries as defined by the United Nations. The European Union had previously expressed concern about the Working Group's examination of private military and security companies, which was bound to lead to confusion. It had similar strong reservations about the Working Group's attempt to further extend its mandate to include the activities of foreign fighters. While there were some similarities between mercenaries and foreign fighters, they were by no means sufficient to justify the change in the Working Group's mandate. The continuing lack of conceptual clarity was deeply regrettable.

39. The European Union shared the concerns expressed in the report with regard to the negative impact of mercenary-related activities and was

concerned about the potential links between mercenaries and terrorism. Focusing its work on mercenaries would allow the Working Group to provide a clearer framework for tackling the problem. He asked how the conclusions of the report furthered the collective understanding of the use of mercenaries, as opposed to foreign fighters, as a means of violating human rights and impeding the rights of peoples to self-determination.

40. **Ms. Frankinet** (Belgium) said that 400 persons living in Belgium had left the country to join the ranks of Islamic State in Iraq and the Levant (ISIL) in the Syrian Arab Republic. The Belgian Government planned to respond with a combination of preventive and coercive measures, which would all be in full compliance with its national and international human rights commitments.

41. The Working Group, having met with a wide range of Belgian officials and civil society organizations, had been given a thorough insight into the preventive efforts that were being made to effectively respond to the relatively high number of foreign fighters originating in Belgium. There was no single answer to the question of foreign fighters, as the nature of the phenomenon could vary substantially between countries or even within a single country. Foreign fighters from Belgium did not fit a single profile; they came from a variety of situations and had various motivations.

42. On the basis of data analysis and consultations with national and international experts, the authorities had determined to make the most of the governance structure of Belgium to ensure an individual response to each case. The general approach at the federal level was based on information-sharing, awareness-raising, action to combat radicalization in prisons and measures to create a more inclusive society. Authorities at the regional, community and, most importantly, local levels had received significant additional support and had been included in the network for the sharing of information and best practices to enable them to respond most appropriately to each case, whether it involved a potential fighter or one who had returned to Belgium.

43. Based on its experience, Belgium took the view that there was a fundamental difference between the legal and coercive measures needed to tackle the problem of mercenaries and the holistic approach

required to deal with the issue of foreign fighters. It therefore encouraged the Working Group to take into account the fact that blurring the lines between foreign fighters and mercenaries would not help the international community address those two distinct phenomena.

44. **Ms. Karska** (Chair-Rapporteur of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination) said that it was difficult to develop effective recommendations for dealing with the complex issue of border control, as the challenges varied by region. Nevertheless, the Working Group was gathering information during its country visits that would help it develop recommendations on preventing the cross-border flow of foreign fighters. Information exchange between States could help improve border control. Legislative measures should be taken as a first step.

45. Combating impunity for serious human rights violations, in particular by ensuring effective prosecution and reparation, was the most important area for future recommendations. The issue of effective prosecution and reparation for victims was a key part of the element of the mandate relating to the planned international convention on private military and security companies. The Working Group recommended that States should cooperate and collaborate on criminal matters as well as civil matters, giving particular attention to the issue of effective prosecution and reparation in cases involving the activities of private military and security companies.

46. As clearly stated in Commission on Human Rights resolution 2005/2, the mandate of the Working Group covered mercenaries, mercenary-related activities and private military and security companies. She therefore did not believe that the Working Group was in any way extending its mandate by examining those themes. Furthermore, most foreign fighters, in particular those with financial motives, fell under the definition of mercenaries as defined by the first Protocol Additional to the Geneva Conventions, the Organization of African Unity Convention for the Elimination of Mercenarism in Africa, and the International Convention against the Recruitment, Use, Financing and Training of Mercenaries. Thus, by examining the negative impact of the activities of foreign fighters on human rights, in particular the right of peoples to self-determination, the Working Group

was not extending its mandate but rather fulfilling it by examining new forms of mercenarism and mercenary-related activities.

47. She thanked Belgium for its openness to receiving a country visit. The Working Group had met with officials at various levels of Government, representatives of civil society, family members of foreign fighters and the Council of Europe rapporteur on foreign fighters in Syria. She fully supported the comments by Belgium regarding the varied profiles of foreign fighters and the efforts of the Belgian Government. The country visit by the Working Group, in combination with a visit to Tunisia and one to Ukraine in 2016, would contribute to its understanding of regional differences among foreign fighters.

48. **Mr. Ruteere** (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance) said that he had presented three reports to the Human Rights Council in 2015: a thematic report on racial and ethnic profiling in law enforcement; a report following his mission to the Republic of Korea in September and October 2014; and a report on the implementation of General Assembly resolution 69/160 on combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance. He had also conducted a country visit to Greece, and the Governments of the Argentina and Australia had accepted his requests for visits in 2016. He encouraged all concerned Governments to reply positively to the pending requests for invitations for country visits.

49. In his report A/70/335, he examined the importance of collecting disaggregated ethnic data as a means to tackle discrimination and inequality. There was a disappointing lack of disaggregated data collection, despite the extensive body of legal provisions and recommendations on the matter, which had led to a serious information gap. There was also an alarming lack of hate crime statistics, which could be partly explained by underreporting and a lack of awareness on the part of authorities.

50. The 2030 Agenda for Sustainable Development called for the collection of disaggregated data in order to promote non-discrimination, and the insufficient use of disaggregated data in the implementation of the Millennium Development Goals had in many cases led

to inefficiency and a failure to recognize inequalities within societies. The discussions on how to measure achievements under the 2030 Agenda should, therefore, be marked by a strong commitment to adopt indicators that would identify discrimination. The collection of data disaggregated by ethnicity on economic, social, cultural, civil and political indicators was necessary in order to identify patterns of discrimination and to increase the visibility of groups that experienced discrimination. Data were also crucial for evaluating the impact of existing measures and developing adequate policies to address the situation of vulnerable groups. Disaggregated data could also improve access to justice for victims of discriminatory practices, as individual cases were often difficult to substantiate, and help detect racial discrimination in the administration of justice.

51. The collection of data disaggregated by ethnicity was a prerequisite to the fulfilment of States' obligation to effectively ensure equality and the universal realization of human rights. Thus, while there was no explicit international obligation to collect ethnic data, there was a strong mandate to do so under the human rights legal framework. Furthermore, the right to be free from discrimination included the right to access information that could serve as evidence of discrimination, which might include ethnic data. Access to adequate and accurate information could also empower marginalized groups and, consequently, have a positive impact on the enjoyment of their other rights.

52. He fully acknowledged fears that the collection of ethnic data could violate the right to privacy, increase the vulnerability of certain groups, lead to a revival of tensions in some sociopolitical contexts or be used to commit further human rights abuses. States might also lack the necessary resources to collect such data or fear that doing so would reveal the inefficiency of measures they had taken or lead to the allocation of additional resources to anti-discrimination efforts. However, those issues could be overcome if certain strict human rights rules and the international legal framework were observed by States and data collection bodies. Data should be collected in line with appropriate legal safeguards and analysed and interpreted by independent entities integrating a human rights perspective. Moreover, disaggregation should reflect only internationally agreed prohibited grounds of discrimination. He called on Member States to seek

or provide appropriate technical and financial assistance in line with the commitment in Sustainable Development Goal 17 to support statistical capacity-building in developing countries.

53. Turning to his report on the implementation of General Assembly resolution 69/160 (A/70/321), he thanked the nine States and five non-governmental organizations that had submitted their contributions. The report reiterated the universality of human rights and the democratic challenges posed by extremist political parties. All States should denounce and prohibit any commemorative celebration of the Nazi regime and its crimes against humanity. He strongly condemned all forms of Holocaust denial and all manifestations of religious or ethnic intolerance and reiterated his call for Member States to ensure that they had the necessary legislation in place to combat racism, particularly in view of increasingly open hate speech and incitement to violence, and to implement their obligations under article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination and articles 19 to 22 of the International Covenant on Civil and Political Rights.

54. Ms. Martins Yassine (Brazil) said that the collection, analysis and dissemination of disaggregated data concerning victims of racism, racial discrimination and related forms of intolerance were an important commitment undertaken by States in the Durban Declaration and Programme of Action and an essential tool for the development of better policies to promote racial equality. Disaggregated data could shed light on situations of multiple and aggravated discrimination and provide a better understanding of indirect patterns of discrimination, which were usually difficult to identify and combat.

55. Concerns that data collection could facilitate the selective violation of human rights, as it had in the Holocaust and the Rwandan genocide, should be addressed by reinforcing human rights safeguards rather than by foregoing the collection of disaggregated data. Data collection should always be voluntary, confidential and based on self-identification, and the results should be used only for the protection of vulnerable groups. Improving social control, accountability and transparency in the collection, analysis and management of disaggregated data could help to ensure that it was properly handled. In that connection, she asked the Special Rapporteur to elaborate on how international cooperation could

contribute to the proper collection, analysis and dissemination of disaggregated data, including in the context of the International Decade for People of African Descent and the 2030 Agenda.

56. **Ms. Moutchou** (Morocco) said that times of crisis provided a fertile environment for hate speech. The permissive attitude to hate speech adopted by politicians in some countries was contributing to the normalization of the extremist discourse that undermined the foundation of democracy. To address that issue, it was important to document all racially-motivated crimes. National human rights institutions could play an important role in that regard. Furthermore, school curriculums should include human rights education and training, as education was a valuable weapon in efforts to combat the negative influence that extremist parties, movements and groups could have on youth. It was also crucial to use sport to instil essential values such as tolerance.

57. The Internet and social media also had an important role to play in addressing racism and the propagation of xenophobic ideas. In that regard, she asked how States could effectively and sustainably combat the dissemination of racist ideas via virtual platforms.

58. **Mr. de Bustamante** (Observer for the European Union) said that the European Union recognized the benefits of collecting data disaggregated by ethnicity and asked how the issue of national laws forbidding it could be addressed. He would also be interested to hear how new follow-up and review mechanisms related to the Sustainable Development Goals could contribute to addressing racism and discrimination. Noting that an increasing number of victims of xenophobic and racially-motivated discrimination were transient, he asked how States could best protect the rights of groups such as Roma people, travellers, migrants and refugees, who were outside of national systems or moved between countries.

59. **Mr. Cepeda** (Mexico) said that Mexicans were able to self-identify as indigenous or as being of African descent in population censuses and that his Government was working to improve the inclusion of people of African descent. He asked what minimum elements should be included in institutional mechanisms and frameworks for the collection of disaggregated personal data. He was also interested to hear what his country, which would find it challenging

to systematically collect disaggregated data, could do as a first step towards achieving that objective.

60. **Mr. Lukiyantsev** (Russian Federation) said that the seriousness of the issue of Nazism, neo-Nazism and similar practices had not improved in the ten years since the adoption of the first United Nations resolution on the matter. The adoption of the resolution and the presentation of the Special Rapporteur's report in 2015 were of particular significance, as that year marked the seventieth anniversary of the victory over Nazism in the Second World War and the establishment of the Nuremberg Tribunal: events which had led to the creation of the United Nations and the current international human rights system. He thanked Cameroon for highlighting the connection between those historic events and the current need to combat racism. He concluded by reiterating the Russian Federation's willingness to continue supporting the Special Rapporteur in his efforts to combat racism, racial discrimination, xenophobia and related intolerance.

61. **Mr. Sargsyan** (Armenia) said that racism, intolerance, xenophobia and rejection and vilification of "the other" had led to mass human rights atrocities and crimes against humanity. Having experienced genocide, Armenia was deeply sensitive to the present realities underpinning the urgent international effort against growing anti-Semitism, Islamophobia and Christianophobia; the spread of racism, xenophobia and intolerance worldwide; and the penetration of those phenomena into society and mainstream politics. States bore the ultimate responsibility to address the various forms of racism and discrimination by promoting human rights, tolerance, respect for diversity and reconciliation. However, if a particular Government was unwilling or able to do so, or was actually instigating racism or discrimination, the international community must intervene in order to prevent potential atrocities.

62. "Armenophobia" had in some respects intensified over the past year, as a neighbouring Head of State continued to instigate hate speech and vilification via claims that Armenia was a fascist State and threats to "win back" Armenian territory. The Head of another State, where banners celebrating the hundredth anniversary of the Armenian genocide had been seen, had declared that being referred to as Armenian was an insult.

63. Denial was a form of racism, and the denial of genocide, which was the ultimate manifestation of racism, was the final stage of genocide. Denying States the right to exist was another extreme form of racism. He called on the international community, including special mandate holders, to heed the early warning signs of racial discrimination and the dissemination of hatred by political leaders in the region. He commended the efforts of civil society organizations in certain neighbouring countries to denounce racism and discrimination and bring about reconciliation in the face of repression, intimidations and reprisals. Civil society action at the national and international levels, increased media independence and educational efforts were essential in order to ensure peaceful coexistence and tolerance.

64. He asked the Special Rapporteur whether he had taken any steps to detect and identify cases of racism in the countries surrounding Armenia. He also wished to know how tools and policies, including early warning mechanisms, could be further strengthened and applied at the national and international levels in order to eradicate racism as part of the implementation of the 2030 Agenda.

65. Ms. Smaila (Nigeria) said that the growing involvement of young people in acts of racism, racial discrimination, xenophobia and related intolerance in various parts of the world gave cause for concern. She asked the Special Rapporteur to discuss the best practices in the area of education that could be used to combat that phenomenon.

66. It was regrettable that, despite the concerted efforts of the international community, racism, racial discrimination, xenophobia and related intolerance remained major challenges and were taking on new forms in some parts of the world. One of the most insidious of those was racial profiling, which was applied disproportionately to people of African descent. Nigeria strongly condemned racial profiling, whether or not it was officially sanctioned, and called on Governments to take firm steps to eradicate it.

67. She concluded by reiterating her country's commitment to the Durban Declaration and Programme of Action and called on States to redouble their efforts to raise awareness of the evils of racial discrimination among all sectors of society.

68. Mr. Uğurluoğlu (Turkey) said that the Turkish Constitution was based on the equality of all

individuals. Successfully combating all forms and manifestations of intolerance and discrimination would require joint efforts at the national, regional and international levels.

69. Responding to the comments from Armenia, he said that Turkey did not deny the suffering that had taken place across Europe, including in the Balkans, during the First World War. However, it did oppose the portrayal of those events as genocide. The period, which was the subject of academic debate, should be addressed through an impartial examination of historical records in order to ensure that the proper lessons were drawn and a true account established. The parties should aim to forge a shared memory rather than seek to perpetuate one-sided narratives.

70. Ms. Butts (United States of America) said that the use of disaggregated data was essential for combating racial discrimination. The United States had experience in that area and would readily make available any of its models that might be of use to other States.

71. Mr. Ruteere (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance) said that he had already produced reports on education, sport and the Internet. Disaggregated data was valuable because it not only provided insight into who was entering the education system or had access to the Internet but also informed decisions in those areas. Education had the ability to strengthen the capacity of historically marginalized groups to resist discrimination and could provide those groups with the necessary tools for social mobility. However, racism and racial discrimination within educational institutions and on the Internet continued to give serious cause for concern. Further research was needed to determine how best to combat racism and racial discrimination in education and online, analyse the effectiveness of those channels in combating racism and discrimination, and determine who had access to them and who was being left behind.

72. There were creative ways to overcome the challenges posed by legislation prohibiting the collection of disaggregated data by the State. In some countries, independent research centres or universities were able to collect and analyse such data and make it available to Governments for the purposes of policymaking.

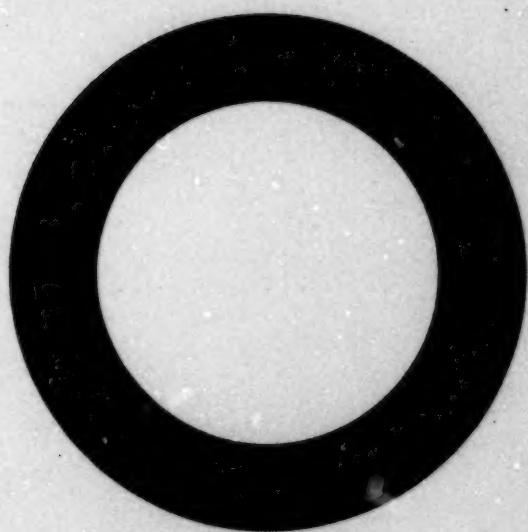
73. A key element of his mandate was focusing on specific groups that experienced discrimination, including people of African descent and the Roma. With regard to mobile groups, it might be useful to focus on the development of regional mechanisms, rather than domestic ones, as the European Union had done in its efforts to address the exclusion of the Roma.

74. With regard to international cooperation on racism and data collection, the discussions on the Sustainable Development Goals provided an opportunity to integrate human rights within the social development agenda. The Committee was well placed to promote efforts in that regard.

75. Many of the issues that had been mentioned were ones that he was observing. He would continue to focus on all parts of the world through reports, communications and country visits. His mandate would be further strengthened if Member States actively cooperated with requests for country visits.

76. Early warning was extremely important: in the past, the exclusion of a significant portion of the population had resulted in genocide, conflict and civil war. The collection of disaggregated data provided an opportunity to prevent such situations by identifying at an early stage those who might be left behind.

The meeting rose at 12.25 p.m.



**General Assembly**

Seventieth session

Official Records

Distr.: General

8 January 2016

Original: English

Third Committee**Summary record of the 38th meeting**

Held at Headquarters, New York, on Monday, 2 November 2015, at 3 p.m.

Chair: Mr. Mohammed (Vice-Chair) (Guyana)**Contents****Agenda item 70: Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*)**

- (a) Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*)
- (b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (*continued*)

Agenda item 71: Right of peoples to self-determination (*continued*)

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In the absence of the Chair, Mr. Mohammed (Guyana), Vice-Chair, took the Chair.

The meeting was called to order at 3.05 p.m.

Agenda item 70: Elimination of racism, racial discrimination, xenophobia and related intolerance (continued)

- (a) **Elimination of racism, racial discrimination, xenophobia and related intolerance (continued)** (A/70/18 and A/70/321)
- (b) **Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (continued)** (A/70/339, A/70/367, A/70/309 and A/70/335)

Agenda item 71: Right of peoples to self-determination (continued) (A/70/314 and A/70/330)

1. **Mr. Mamabolo** (South Africa), speaking on behalf of the Group of 77 and China, said that a resolute and renewed political will, adequate funding and sustained international cooperation were indispensable for addressing racism, racial discrimination, xenophobia and related intolerance. The International Convention on the Elimination of all Forms of Racial Discrimination and the outcomes of the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and of the 2009 Durban Review Conference formed the fundamental international framework for the elimination of racism and related intolerance. Regrettably, subtle, residual and resurgent forms of racism made it imperative for the United Nations human rights system to remain seized of the matter.

2. The programme of activities associated with the International Decade for People of African Descent continued to be relevant, and the Group welcomed recent efforts to elaborate complementary standards. Slavery had evolved in ways that continued to make Africans, people of African descent, Asians and people of Asian descent victims of oppression and racism. The key drivers of globalization and owners of global wealth continued to exploit the human resources of developing countries and plunder their natural resources with impunity through their multinational companies and extractive mining industries. In response, developing countries were vigorously pursuing new norms in international human rights law aimed at ensuring the accountability of such entities

and combating their violations of human rights and fundamental freedoms.

3. The Durban Declaration and Programme of Action remained the only document that prescribed measures and established remedies for the victims of all the scourges of racism. The Group of 77 and China called on all Member States that were responsible for historic injustices to honour the memory of the historical victims of racism through atonement and the provision of remedies.

4. It was unacceptable for racism to be meted out by State authorities to people of African descent in the diaspora and in countries where they lived as citizens. Growing incitement to hatred, intolerance and lack of respect for diversity were a grave concern and had led to increases in extremism, violence and terrorism. The Group rejected racial profiling and negative stereotyping based on religion or belief and reiterated the call on Member States, the United Nations system and the international community to oppose religious intolerance and to enhance dialogue, which was critical for promoting mutual understanding, tolerance and respect of ethnic, cultural and religious diversity. The Group also reiterated its call for countries to eliminate discrimination against migrants, who were often victims of exploitation and xenophobia.

5. The persistence of racism and racial discrimination was related to past atrocities. The legacy of slavery in particular was at the heart of the profound inequality that continued to affect people of African descent. The fight against racism should recognize the social and economic dimensions of the injustices of the past and seek to redress them appropriately. That fight must be based on solidarity and waged through cooperation, partnership and inclusion. At the national level, that meant ensuring the equal participation of all in the formation of just, equitable, democratic and inclusive societies. Renewed political will was needed in addition to stronger institutions and laws. Education played a critical role in promoting understanding and creating awareness at all levels of society, particularly among young people and at a time when there were new ways of disseminating racist messages.

6. The Group commended the work of the Human Rights Council to eradicate all the scourges of racism and encouraged it to complete the elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial

Discrimination, continuing the excellent trajectory of the United Nations human rights bodies in that field.

7. Mr. Morejón Pazmiño (Ecuador), speaking on behalf of the Community of Latin American and Caribbean States (CELAC), said that racism must be addressed with greater urgency and effectiveness. Sustainable development would be achieved only where it was achieved for all people.

8. The member States of CELAC had multi-ethnic, multicultural and multilingual populations and stood to benefit from the richness of that diversity in their pursuit of development. The Community was committed to taking action under the 2015-2024 International Decade for People of African Descent, which would complement those related to the 2014-2023 International Decade for Latin American and Caribbean People of African Descent and other regional initiatives, to ensure the full realization of their economic, social and cultural rights, contribute to the fight against discrimination, racism and intolerance, repair the damage caused by slavery and address the wide-ranging effects of racism on people of African descent today. CELAC welcomed the unveiling of the "Ark of Return" monument at United Nations Headquarters in 2015 as a permanent memorial to honour the victims of slavery and the transatlantic slave trade. The most meaningful way to honour the victims of slavery now was to deal with the realities faced by their descendants.

9. Slavery had had an indelible impact on Latin America and the Caribbean, enriching the region's societies with cultural and ethnic diversity on the one hand, but leaving ingrained social stratification and discrimination, on the other. The peoples of the region had suffered an incalculable wrong, and much more needed to be done to balance the scales of justice. All must work together to ensure that, in each dimension of sustainable development, those who had been exploited and harmed would be allowed their just part in global progress. The region was determined to create societies where all people were equal and where opportunities, prospects and achievements were not determined by skin colour or ethnic background. CELAC would continue to support actions and forums seeking to address the legacies of slavery, as well as contemporary forms of slavery and human trafficking.

10. Mr. Thomas (Antigua and Barbuda), speaking on behalf of the Caribbean Community (CARICOM), said

that promising results had been achieved in the first year of the International Decade for People of African Descent in the promotion of respect for the heritage and culture of people of African descent and their contribution to society. CARICOM was deeply concerned, however, about continued discrimination in the administration of justice, including racial profiling, access to economic, social and cultural rights and effective participation. The Community hoped that the collection of data on hate crimes and victims' access to justice and the detection of discrimination in the administration of justice would help address the problem.

11. CARICOM encouraged all relevant stakeholders to contribute generously to the special fund established by the Office of the High Commissioner for Human Rights (OHCHR) for the Decade, as well as to related projects, and hoped that the implementation of the associated programme of activities and the mechanisms put in place by the Human Rights Council would be expedited.

12. People of African descent continued to face rampant and disproportionate discrimination, in many cases, due to the structural legacies of slavery and colonialism. CARICOM members had heard recent calls to move on from the pains of the past, but that required healing and reconciliation, which could only come through acknowledgement of the horrendous past, the assumption of responsibility and the provision of reparation. The Member States concerned must seek a conciliatory and collaborative approach towards righting the wrongs of the past. The CARICOM Heads of Government had therefore, in March 2014, set up the Caribbean Reparatory Justice Programme to elaborate mechanisms for addressing the legacies of slavery and native genocide. The Programme sought action in the areas of health, education and technology transfer, as well as debt cancellation, and, as a first step, a full formal apology. Beyond notions of handouts and mendicancy, there was a case to be answered; the only question was when, where and how.

13. Member States should seek or provide appropriate technical and financial assistance at the regional and international levels for the large-scale collection of ethnicity-disaggregated data on economic, social, cultural, civil and political indicators as an essential means of tackling discrimination and inequality, while protecting the personal privacy of individuals with strong data protection and confidentiality laws.

14. CARICOM also welcomed the unveiling of the permanent memorial to the victims of slavery and the transatlantic slave trade "Ark of Return", an initiative it had led in partnership with African States, not only as a reminder of the horrendous past and an honour to those who had suffered, but also as a symbol for future generations. Racism and racial discrimination continued to hinder the enjoyment of human rights and the achievement of development for millions of people all over the world. Minorities in particular continued to be denied equal and just treatment, often on the basis of race or ethnicity. States must fulfil their obligations and commitments under the International Convention on the Elimination of Racial Discrimination and the Durban Declaration and Programme of Action. Discrimination, oppression, exclusion, repression and notions of racial superiority served only to divide and generate distrust, disharmony and strife, fuelling violence, sectarianism and social unrest. All Member States must intensify their efforts to eliminate racism, racial discrimination and xenophobia as a means of safeguarding the human rights of all citizens and achieving development for all.

15. **Mr. Ntwaagae** (Botswana), speaking on behalf of the Southern African Development Community (SADC), said that, notwithstanding stern opposition, political posturing and scepticism, major achievements had been registered in the protection of the dignity of the victims of slavery and in addressing racism, including the proclamation of the International Decade for People of African Descent, the unveiling of the "Ark of Remembrance" monument, the proper realignment of the Anti-Discrimination Unit in OHCHR as the Anti-Racial Discrimination Section, the refocusing of the International Day for the Elimination of Racial Discrimination on the contemporary scourges and manifestations of racism, and the work being done by the Human Rights Council in that regard.

16. It was time to embrace diversity and tolerance. There should be a significant paradigm shift from rhetoric to reality about the dangers that racism posed. Continuing debilitating global poverty had given rise to new forms of intolerance, some of which assumed violent and extremist forms. SADC remained steadfast in its call for additional protocols to the International Convention on the Elimination of all Forms of Racial Discrimination and looked forward to the General Assembly giving the chairperson of the corresponding committee the required mandate at the current session.

SADC also looked forward to the Assembly adopting a quality resolution addressing, *inter alia*, the establishment of a permanent forum on people of African descent in the diaspora, based in part on the outcome of regional consultations in North America and Europe with the relevant civil society organisations and representatives of the victims and people of African descent in the diaspora; and the formal adoption, albeit *ex-post-facto*, of the draft programme of action for the International Decade for People of African Descent.

17. **Mr. de Bustamante** (Observer for the European Union), speaking also on behalf of the candidate countries Albania, Montenegro, Serbia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process country Bosnia and Herzegovina; and, in addition Georgia and Ukraine, said that a fundamental principle of the European Union was that all human beings were born free and equal in dignity and in rights, and all members of society, irrespective of their gender, racial or ethnic origin, religion or belief, disability, age, sexual orientation or gender identity, must be treated equally.

18. The European Union had developed a solid legal framework to address racial discrimination, racism and xenophobia. Discrimination on grounds of racial or ethnic origin or religion was prohibited since 2000, and Member States were obliged to penalize public incitement to violence or hatred against a group or a member of a group defined by reference to race, colour, religion, descent or national or ethnic origin since 2008. Victims of bias-motivated crime were entitled to access to justice, compensation and reparation and to receive appropriate information, support and protection. In addition, concrete tools had been developed for the effective prevention of, and fight against, racism and xenophobia, and for the promotion of a more tolerant, diverse and inclusive society. The first European Union Annual Colloquium on Fundamental Rights, held in October 2015, had brought together a wide range of actors to discuss how to prevent and combat anti-Semitic and anti-Muslim hatred, and the European Union was determined to implement the ensuing recommended actions.

19. Combating racism, xenophobia and related intolerance was also a priority in the European Union's external action policy. Under its 2015-2019 Action Plan on Human Rights and Democracy, the European Union would promote the exchange of best practices

with partner countries on combating racism and related intolerance, and would fund the work of non-State actors, including human rights defenders engaged in pertinent activities across the globe. The European Union also supported the work of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, whose reports contributed to efforts to address highly relevant issues.

20. Given the clear evidence that discrimination and intolerance severely hampered the healthy development of nations, his delegation was pleased that the recently adopted 2030 Agenda for Sustainable Development placed emphasis on fighting discrimination and reducing inequality. He reiterated calls for the universal ratification of the International Convention for the Elimination of Racial Discrimination, which was also a core objective of the Durban Declaration and the Decade for People of African Descent and their respective programmes of action and activities. A successful Decade would only be achieved with true ownership and engagement by all States and its effective implementation in a collaborative manner at all levels. Respecting the carefully negotiated resolution which had led to the consensual adoption of the Decade's Programme of Activities was of the utmost importance in that regard.

21. Mr. Abdrakhmanov (Kazakhstan) said that Kazakhstan was one of the 57 States that had signed the optional declaration recognizing the competence of the Committee on the Elimination of Racial Discrimination to consider complaints from individuals or groups. The Kazakh Constitution expressly prohibited discrimination in any form. The incitement to social, national, ethnic, racial, class or religious discord were classified as extremist crimes in the Criminal Code. All ethnic groups of Kazakhstan were involved in nation building and enjoyed the same status, not as national minorities, but as citizens with full civil and political rights. There were currently some 900 ethnic and cultural associations in Kazakhstan, and their rights and interests were protected by the People's Assembly through special mechanisms.

22. Tolerance and harmony, the cornerstones of Kazakh society, were achieved with the support of the media, which enjoyed total freedom: there were 32 national newspapers covering 13 languages. Mutual respect for ethnic and linguistic heritage was promoted

by the Ministry of Culture and Sports as part of the doctrine on national unity, and regional law enforcement officers received special training to increase their awareness of the Government's inter-ethnic policy. Major religious communities were represented at all levels of government, and measures were taken to protect the rights of believers, irrespective of their religious affiliation, as well as the rights of foreigners. The Congress of Leaders of World and Traditional Religions had been hosted in Astana as a platform for a dialogue among spiritual leaders since 2003.

23. Approximately 130 ethnic groups from 18 major world religions coexisted peacefully in Kazakhstan, and the Kazakhstan model of interethnic tolerance had been highly commended by both regional organizations and the United Nations. Since investment in development was key for reducing discontent and conflict between ethnic groups and greatly promoted social peace and stability, the President of Kazakhstan had proposed, at the 70th session of the General Assembly, that States should allocate one per cent of their annual defence budgets to the United Nations Sustainable Development Goals Fund.

24. Kazakhstan would remain a multi-confessional State, embodying equal rights and opportunities, including freedom of conscience and religion, and stood ready to work with the international community to combat racism and related intolerance throughout the world.

25. Ms. Pérez Gómez (Colombia) said that the Constitution of Colombia recognized the multi-ethnic, multilingual and multicultural nature of Colombian society and upheld the principle of not only formal, but also material, equality, as well as affirmative action for groups that were discriminated against. There were 89 different indigenous peoples in Colombia, and both indigenous languages and Spanish were recognized as official languages.

26. The country's Anti-Discrimination Law had been enacted in 2011, together with a number of measures, such as the criminalization of discriminatory acts and prison terms for perpetrators. To mark the start of the International Decade for People of African Descent, the Government had launched a national anti-racism campaign, established a special regime for the Raizal communities in the San Andrés islands and arranged property-tax compensation in the territories held

collectively by Afro-descendent communities. The Office of the Ombudsman also ensured that Afro-Colombians affected by the internal armed conflict received due reparation.

27. The Colombian Government was committed to providing access to infrastructure services, health and education, to all persons, regardless of their background, ethnicity, gender, sexual orientation, age or disability, both to reduce inequality and poverty and as the foundation for building peace in the country.

28. **Ms. Changtrakul** (Thailand) said that Thailand embraced diversity of race, culture and religion. There were five main linguistic families and a total of 62 ethnic groups in Thailand, and the Government continued its efforts to guarantee the basic human rights of all persons regardless of their race. To ensure proper legal status for all, migrant workers on fishing vessels in Thailand were now registered and enjoyed equal labour protections, and all children born in the country could be registered at birth. Undocumented migrant workers also benefited from universal health care since 2013.

29. The Ministry of Culture was working to protect the intangible cultural heritages of all communities. A number of primary schools received special assistance to provide bilingual teaching in border and marginalized areas where students came from ethnic groups that spoke other languages than Thai. Thailand has always attached significance to building harmonious interfaith relations and would host an international symposium on interfaith dialogue in Bangkok in early 2016. The symposium was being co-organized with the Research Centre for Islamic History, Art and Culture, a subsidiary body of the Organization of Islamic Cooperation, with a view to enhancing dialogue across civilizations and religions.

30. **Mr. Yesod** (Israel) said that the Jewish people had known racism in the form of anti-Semitism for time immemorial. According to the 2014 study by the Anti-Defamation League, *ADL Global 100*, 1 billion adults around the world harboured anti-Semitic attitudes towards Jews, and new forms had emerged showing how racism was not only a dangerous, but an easily disguisable, weapon. The campaign of the Boycott, Divestment and Sanctions Movement, for example, bullied anyone who showed support for, or identified with, Israel and targeted Jews solely on the basis of their religion. The worldwide web was sadly

used as a place for racist incitement, which could also have deadly consequences. Videos teaching "how to kill a Jew" circulated the Internet at unimaginable speed, and prejudicial ideas and hatred were shared with a click of a button. The web could also be a tool for social action and for challenging racist narratives, however; and creative ways to use the Internet to foster respect for diversity and tolerance had to be found.

31. The United Nations must do more. His delegation called for the appointment of a special rapporteur on anti-Semitism, and for the Department of Public Information to fulfil its commitment to arrange a follow-up conference to the "Unlearning intolerance" seminar series. Governments, for their part, must make it a national priority to combat racism, racial discrimination and xenophobia. The Israeli Ministry of Education had developed programmes to reduce prejudice and violence among students and increase understanding of the importance of coexistence in Israeli society. Meanwhile civil society groups were pursuing social inclusion initiatives and fighting discrimination at ground level. The strong involvement of the private sector and a true partnership with civil society were crucial in such work.

32. **Ms. Brooke** (United States of America) said that the United States had made progress in combating racism, xenophobia and related forms of intolerance. It was well aware, however, that much needed to be done within its own borders as well as around the globe. Recent efforts to prevent discrimination against migrants and refugees included public awareness initiatives by the inter-agency Task Force on New Americans and a strategic federal action plan on immigration and the integration of refugees. In addition, 120 mayors had joined the Coalition of Cities against Racism launched by United Nations Educational, Scientific and Cultural Organization (UNESCO), and the Inter-American Commission on Human Rights had visited several United States cities in September 2015 to discuss concerns about the use of excessive force by police. The United States was also working and sharing experiences with South American countries, with a view to addressing racism, discrimination and social exclusion by implementing action plans to promote racial and ethnic equality. The well-being of the peoples of the world depended on the efforts of all Member States to address discrimination within their borders and their collective efforts within the United Nations.

33. Mr. Lim Teck Hong (Singapore) said that Singapore's population was about 75 per cent Chinese, 13 per cent Malays, 9 per cent Indians and 3 per cent composed of other races, and the Pew Research Centre had described Singapore as the most religiously diverse country in the world in 2014. To ensure that no single racial or religious group was discriminated against, the Constitution reaffirmed equality before the law regardless of race, language or religion, and the Presidential Council for Minority Rights scrutinized all bills before Parliament to ensure that they did not, in effect, discriminate against any particular race or religion.

34. To promote interracial and interreligious understanding, the Government had created common touch points for racial and religious groups to interact. The Inter-Racial and Religious Confidence Circles, for example, which brought together leaders of different religious, ethnic and community groups in each local constituency for dialogue and trust building, allowed racial and religious tensions to be diffused quickly if they arose. The Government also worked closely with community and religious leaders to address the spread of radical views and inflammatory remarks through the media. Information pamphlets had been published to educate the public on terrorism, and videos explaining why violent extremism was against religious teachings had been produced to reach out to Internet-savvy youths who were most at risk of being radicalised via social media.

35. Singapore's strong stance against racial and religious discrimination and its active management of public spaces to promote social harmony had reaped dividends. In a recent study, 9 out of 10 Singaporeans were comfortable with having someone of another race as a neighbour, colleague or employee, and 8 out of 10 were comfortable with having a close friend from another race or religion. In the past year, the world had witnessed how racial and religious tensions could lead to violent attacks like that on the offices of the *Charlie Hebdo* satirical magazine in France and the Charleston church shooting in the United States of America. Both incidents were stark reminders of the need to manage racial and religious fault-lines to preserve social harmony and stability.

36. Singapore's recent signing of the International Convention on the Elimination of Racial Discrimination reflected its continued commitment to

eliminating racial and religious discrimination and to building a harmonious and inclusive society.

37. Mr. de Aguiar Patriota (Brazil) said that Brazil had the largest black population outside Africa. Over 100 million Brazilians were of African descent. Since 2005, the Government had made progress in redressing social and racial inequalities: public policies had lifted over 16 million people out of extreme poverty, and three quarters of the new middle class were of African descent. In only one decade, the percentage of Afro-Brazilians in the middle class had grown from 38 per cent to 51 per cent. Racial inequality and manifestations of racism nevertheless persisted.

38. Poverty, social exclusion and economic disparities were closely associated with racism, xenophobia and related intolerance, and in order to achieve the goals of the 2030 Agenda for Sustainable Development, it was crucial to combat them. The Durban Declaration and Programme of Action and the International Convention on the Elimination of All Forms of Racial Discrimination remained key references in that struggle. Brazil also attached great importance to the establishment of the Forum for People of African Descent, which should be conceived as a broad consultation mechanism open to all persons of African descent. For its part, Brazil would host the first of five regional meetings on the International Decade for People of African Descent, as well as a regional conference to promote the human rights of those who faced racial discrimination. Brazil had also organized a debate on self-representation as a strategy to fight racism, at the United Nations in September that year, which had revealed how self-representation could be used to realize political and cultural potential.

39. Democracy could not thrive in racist societies, as reflected in the adoption by consensus of the resolution on the subject sponsored by the Southern Common Market (MERCOSUR) in the Human Rights Council. The diffusion of ideas based on racial superiority and hatred and incitement to racial discrimination and xenophobia must be condemned. States must be especially watchful in periods of economic downturn and austerity when stigmatization and targeting of vulnerable groups tended to increase. Particular attention should also be paid to the victims of multiple and intersecting forms of discrimination. Racism, racial discrimination, xenophobia and related intolerance afflicted all countries and regions and must

be addressed as a priority by the international community as a whole.

40. **Ms. Moreno Guerra** (Cuba) said that the full implementation of the Durban Declaration and Programme of Action remained pending in the fight for equality. Racism, racial discrimination, xenophobia and related forms of intolerance continued unabated in many parts of the world, while age-old civilizations and religions were demonized by powerbrokers and their media outlets. All forms of discrimination and intolerance must be eliminated, and all doctrines based on racial or cultural superiority must be vigorously rejected. Cuba would participate actively in the activities associated with the International Decade for People of African Descent. The consequences of the transatlantic slave trade were visible in Cuba, and Cuban culture had been enriched by its African heritage.

41. With regard to self-determination, his delegation reiterated its support for the Working Group on the use of mercenaries and its pursuit of international norms to govern the activities of private security and military enterprises and called on all Member States to do the same. Cuba would be presenting a draft resolution on the subject again that year. Self-determination and respect for the sovereignty of States were enshrined in the Charter of the United Nations, yet wars of aggression, interference in the internal affairs of States, overthrows of sovereign Governments, so-called "soft coups" and the re-colonization of territories continued in new forms and guises, including by alleging the perpetration of human rights violations to justify such actions.

42. As long as foreign occupation and domination persisted, it made no sense to speak of respect for human rights. The right to free determination was a prerequisite for all other rights. A fair and lasting solution to the conflict in the Middle East required the effective realization of the inalienable right of the Palestinian people to build their own State. Some countries, however, contrary to international law took unilateral and illegal action against others. Cuba itself had endured over fifty years of grave violations of its right to self-determination. Cuba reaffirmed that right, as well as its independence and its sovereignty.

43. **Mr. Rabi** (Morocco) said that the universality, indivisibility and interdependence of human rights were the bedrock of the international system. His

delegation noted with regret that 8 million Kabyle were still denied their fundamental right to self-determination, to which they had aspired for over 9,000 years. Their collective punishment through an economic blockade and the harassment and violent persecution of their leaders was unacceptable. Peaceful demonstrations had been broken up and university students had been subjected to violence for demanding their cultural and linguistic rights. The Kabyle were the only indigenous people in Africa persecuted that way. For too long they had remained invisible and unheard. The international community must not be complicit in silencing their voices; instead it should help the Kabyle in their legitimate struggle for self-determination and promote and protect their rights under international law, including the United Nations Declaration on the Rights of Indigenous Peoples.

44. **Ms. Mansouri** (Algeria) said that despite the progress made in combating racism, racial discrimination, xenophobia and related intolerance, those phenomena persisted and continued to spread. The current situation of migrants was of serious concern in that regard, and her delegation urged Member States to provide better protection for migrants against all forms of violence or discrimination based on nationality or religious belief. Policies and programmes that boosted capacity to integrate migrants in destination societies and fostered peaceful intercommunity relations must be put in place.

45. Intercultural dialogue and respect for diversity were essential for combating racial discrimination and related intolerance. Recent efforts on the elaboration of complementary standards to strengthen and update international instruments on the subject were encouraging and would contribute to the effective implementation of the Durban Declaration and Programme of Action. Algeria looked forward to the International Decade for People of African Descent and urged all donors to contribute generously to the associated activities. In Algeria, the elimination of racism and racial discrimination was firmly established in the Constitution, which granted equal treatment and rights to Algerian citizens and foreigners and guaranteed freedom of belief and religion. Furthermore, the direct or indirect dissemination of racist messages, intolerance and incitement to violence was prohibited by law.

46. The right to self-determination was enshrined in the Charter of the United Nations and other instruments, and isolated attempts to narrow its interpretation would never justify the curtailment of that right for peoples under foreign occupation. The violation of the right to self-determination was a violation of all human rights and a form of discrimination. The international community should further the implementation of the Third International Decade for the Eradication of Colonialism (2011-2020) to ensure the full realization of the right of all peoples under foreign occupation to self-determination. It was deeply regrettable that self-determination was still inaccessible to the people in the remaining non-self-governing territories, such as the Saharawi people and the Palestinian people, whose fate remained in the hands of the international community.

47. Mr. Lukiyantsev (Russian Federation) said that Member States, international bodies and civil society organizations were adopting radically different approaches to racism, racial discrimination, xenophobia and related intolerance, and the resulting lack of coherence was hindering efforts to combat those phenomena. It was crucial to enhance coordination between all relevant stakeholders to that end. In particular, stakeholders must understand that upholding the right of individuals and entities to freely express their opinions did not mean that States should uphold their right to disseminate racist or extremist views. Indeed, individuals and entities disseminating such views must be prosecuted, in accordance with article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, and all States that had made a reservation to that article were strongly urged to withdraw it. States could not successfully combat racism while they continued to tolerate the dissemination of racist propaganda, condoned demonstrations that honoured former members of the Waffen SS or attempted to falsify history by whitewashing the evil that had ultimately led to the foundation of the United Nations. As the world commemorated the seventieth anniversary of the defeat of Nazism and the convening of the first Nuremberg trials, it was crucial to ensure the permanency of the Nuremberg principles and the principles enshrined in the Charter of the United Nations. The mechanisms and bodies established pursuant to the adoption of the Convention, including the Committee on the Elimination of Racial Discrimination, must be strengthened, and all attempts

to limit the jurisdiction of that Committee, including in the settlement of disputes among States parties, must be resisted.

48. The situation of so-called "non-citizens" and the ongoing discrimination faced by national minorities in Latvia and Estonia were matters of grave concern; it was unacceptable that hundreds of thousands of people were denied their fundamental human rights and freedoms. The Governments of those two States continued to make exaggerated and cynical claims regarding the progress they were making in terms of reducing the number of non-citizens and, at current rates of naturalization, the problem of non-citizenship was unlikely to be resolved for decades. To achieve an international order that allowed all peoples to decide their political future, in line with the Charter of the United Nations and the norms and principles enshrined in international law, the international community must uphold the rights of all peoples of the world on an equitable basis, and must reject double standards and efforts by States or groups of States to advance their narrow, short-term interests.

49. Mr. Mouna (Egypt) said that the world was witnessing a resurgence in xenophobia, intolerance and discrimination, which undermined human dignity and posed a significant challenge to international peace, security and social stability. Democracy and the rule of law were incompatible with all forms of discrimination and intolerance. The proliferation of radical and extremist movements that built their political and social agendas on incitement, hatred and social exclusion was therefore an alarming trend. The Egyptian delegation was particularly concerned by increasingly frequent acts of discrimination, intolerance and violence perpetrated against individuals because of their religious beliefs, as well as more frequent acts of religious hatred and defamation perpetrated under the guise of freedom of expression. Such acts undermined coexistence and respect for diversity. Equally alarming were attempts to justify discrimination against individuals or groups because of their religious beliefs on the pretext of combating terrorism. Xenophobia and discrimination against refugees from the Middle East and beyond were also on the rise. The international community must take concerted action to combat racism and discrimination on the basis of religion. States must, inter alia, adopt more effective legislation to that end and redouble their efforts to prevent the misuse of modern technologies,

including social media platforms, to disseminate incitement and hatred.

50. The United Nations must take more seriously its responsibility to ensure that all peoples fully and unconditionally enjoyed their right to self-determination. In that regard, the Palestinian people had lived under foreign occupation for more than 65 years and the occupying Power continued to subject Palestinians to gross and systemic human rights violations. The plight of the Palestinian people was the inevitable consequence of the Israeli occupation of Palestine; only through the establishment of a viable, independent Palestinian State on the borders of 4 June 1967 and with East Jerusalem as its capital, and the conclusion of a peace accord on the basis of the two-State solution, could a just, durable and sustainable solution to the conflict be achieved.

51. Mr. Emuze (Nigeria) said that despite the positive steps taken by some States to prohibit discrimination, millions of people were still subjected to racism, racial discrimination, xenophobia and related intolerance. The Nigerian delegation was particularly concerned by instances of racism and xenophobia in politics, education and sport, and increasingly frequent incidences of negative stereotyping that targeted individuals and groups because of their ethnicity or religious beliefs. States must enhance their regional and international cooperation to combat racism in all its forms and promote tolerance and peaceful coexistence. They must also intensify their efforts to end all forms of racial and ethnic profiling, including by implementing fully the Durban Declaration and Programme of Action.

52. To address the ongoing migrant and refugee crisis, a coordinated response by all stakeholders was needed and States must implement effective measures to prevent attacks against refugees and migrants. Awareness-raising campaigns were also needed to counter racist attitudes. In that regard, Nigeria called for more data disaggregated by race and ethnicity to facilitate efforts to monitor and address acts of racism. Civil society also had an important role to play in monitoring implementation of the Durban Declaration and Programme of Action. Strong political will and adequate funding at all levels would also prove crucial if States were to counter all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance.

53. Combating racism was a strategic priority for Nigeria, and discrimination on the grounds of ethnicity, culture, language, religion or belief were prohibited under the country's Constitution. Nigeria was committed to implementing the International Convention on the Elimination of All Forms of Racial Discrimination, Xenophobia and Related Intolerance and the outcome of Durban Declaration and Plan of Action, which remained the key legal frameworks in that area. Nigeria was also a staunch supporter of the African Charter on Human and People's Rights, which promoted and protected the principle of equality and non-discrimination, and other relevant African mechanisms, including the Human Rights Strategy for Africa, which had been adopted with a view to strengthening coordination among member States of the African Union, including in the fight against racial discrimination.

54. Mr. Al-Obaidi (Iraq) said that under the Iraqi Constitution, all Iraqi citizens were equal before the law and all discrimination, including on the basis of sex, ethnicity or religion was prohibited. Iraq had acceded to the International Convention on the Elimination of All Forms of Racial Discrimination in 1970 and was constantly striving to strengthen the principles of non-discrimination and uphold the rights of minorities, *inter alia*, by returning properties confiscated from them by the former dictatorial regime. Iraq also promoted the languages and religious practices of minorities in the areas in which they constituted a majority and issued licences for television channels broadcasting in minority languages. Iraq was, moreover, striving to uphold the religious rights of minorities and protect their places of worship and religious sites. It also supported civil society organizations promoting the rights and safeguarding the freedoms of minorities, and organized conferences and symposiums to that end and to promote peaceful coexistence.

55. The Islamic State in Iraq and the Levant (ISIL) and other terrorist groups had committed horrendous atrocities against Iraqi civilians because of their religion or ethnicity. Those atrocities included mass killings, acts of ethnic cleansing and attacks against women and children and others who refused to adhere to a doctrine that had nothing in common with Islam. Iraq would continue to strive to honour its commitments under international human rights instruments with a view to

achieving justice and equality in Iraqi society and safeguarding its ethnic, cultural and religious diversity.

56. Mr. Canay (Turkey) said that his country's Constitution provided for equality before the law for all individuals, and prohibited discrimination on the basis, *inter alia*, of language, race, colour, gender, political opinion, philosophical belief, religion or sect. The International Convention on the Elimination of All Forms of Racial Discrimination was an integral part of Turkey's legislative framework and his country had adopted legislative and administrative reforms, including in the areas of education and law enforcement, to combat discrimination. Turkey believed that concerted national, regional and international efforts were needed to combat all forms and manifestations of discrimination and intolerance; it was therefore a party to all relevant international instruments in that area and would continue to cooperate closely with all relevant international mechanisms. The international community's common struggle against racism, xenophobia, anti-Semitism and Islamophobia was more relevant than ever. Indeed, hostile acts were increasingly being perpetrated against members of religious and ethnic minorities in certain States and the stigmatization of certain individuals because of their race, colour, nationality or ethnic origin, including in political discourse, was on the rise. Regrettably, in fact, the Turkish community in certain countries had been directly affected by those trends.

57. Turkey was deeply concerned that the many refugees and irregular migrants who were seeking refuge far from their homes could fall victim to racism, xenophobia, harassment and hate crimes. The international community, and particularly destination States, must redouble their efforts to combat all forms of discrimination and intolerance, including Islamophobia, perpetrated against migrants, and States must work in solidarity to foster a culture of peace. In that regard, the United Nations Alliance of Civilizations initiative, which had been spearheaded by Turkey and Spain, was a key mechanism for fostering cross-cultural understanding and mutual respect.

58. Mr. Jabbar (Iraq) underscored his country's solidarity with the Palestinian people and other Arabs whose lands remained under Israeli occupation. Iraq condemned the ongoing efforts to deny Palestinians their rights. The Palestinian people must be allowed to exercise their right to self-determination and to establish an independent State with East Jerusalem as

its capital. The Palestinian people must also be allowed to exercise full sovereignty over their natural resources. Israel, the occupying Power, must moreover, cease its campaign of violence against Palestinians and its ongoing settlement building programmes.

59. The increasing numbers of terrorists travelling to Iraq were undermining that country's territorial integrity and security, and the safety of its citizens. As underlined in the reports submitted to the Committee by the Working Group on mercenaries, those terrorist fighters continue to perpetrate acts of extreme violence, disseminate extremist views and foment ethnic and religious hatred. Iraq must not be allowed to become a safe haven for terrorists. His country therefore called on all States to provide additional support to help prevent the infiltration into Iraqi territory of foreign terrorist fighters. Unless States redoubled their efforts to prevent the recruitment of such terrorists and dismantle the networks providing them with financial support, there was a grave danger that those States would, themselves, find themselves targeted by terrorists.

60. Mr. Poveda Brito (Bolivarian Republic of Venezuela) said that her country had made significant progress in the previous 15 years in its efforts to combat racial discrimination, particularly against members of vulnerable communities, including persons of African descent, members of indigenous groups, women, children, young people, older persons and persons with disabilities. Venezuela had striven to comply fully with the Durban Declaration and Programme of Action and the outcome of the 2001 World Conference against Racism and had continued to engage with all relevant United Nations bodies working to combat racial discrimination. Venezuela had adopted legislation to combat racial discrimination, and had established mechanisms by which perpetrators were brought to justice and those who had suffered discrimination could seek redress. Venezuela had also established the Council for the Development of Afro-Descendent Communities to promote respect for the culture of persons of African descent and ensure that they fully enjoyed their economic, cultural, social, civil and political rights. In 2014, Venezuela had hosted an international conference on racial discrimination to promote the sharing of best practices on how to combat that scourge, had formulated a national strategy on the prevention and eradication of racial discrimination, and

through its participative democracy, which ensured that the voices of persons of African descent and members of indigenous and immigrant populations were heard, had strengthened its institutional framework on racism. Furthermore, with a view to promoting the equitable treatment of all ethnic groups, the 2011 national census had, for the first time, invited Venezuelans to select the ethnic group to which they felt they belonged.

61. Venezuela denounced the double standards of certain States that claimed that they upheld the principle of equality and respected human rights yet failed to protect victims of injustice and racial discrimination. If all States collaborated to promote sustainable and inclusive development, in which no one was excluded or discriminated against, the global fight against poverty, which lay at the root of human suffering, could be won.

62. Ms. Lodhi (Pakistan) said that the right of peoples to self-determination had been enshrined in the Charter of the United Nations and established as a fundamental and overriding principle of international law. The struggle for the universal realization of that right was far from over, however, and many people continued to live under foreign occupation and alien domination. Pakistan underscored that peoples could not exercise freely their right to self-determination, which did not lapse with the passage of time, if they were subjected to coercive or repressive measures, and that the legitimate struggle of peoples for self-determination could not be obfuscated or denied by deliberate attempts to conflate it with terrorism. In that regard, the Jammu and Kashmir dispute must be resolved in accordance with those fundamental and universal principles and the provisions of the relevant Security Council resolutions. Indeed, it was a travesty of justice and morality that the people of Jammu and Kashmir were still deprived of that fundamental right. Human rights abuses in Jammu and Kashmir remained rampant, and over 100,000 men, women and children had died in the struggle for self-determination. The Jammu and Kashmir dispute must be resolved peacefully, in consultation with, and in accordance with the aspirations of, the Kashmiri people, who constituted an integral stakeholder in the dispute, which the Pakistani Prime Minister had characterized as the most persistent failure of the United Nations. In that regard, the seventieth anniversary of the United Nations should spur the Organization into action: fulfilling the long-held promise of self-determination

for the Kashmiri people was an indispensable step that must be taken if a lasting peace and stability were to be established in south Asia.

63. Pakistan remained firmly opposed to all forms of racism, xenophobia and religious intolerance, and was particularly concerned by incidences of religious-based intolerance, discrimination, violence and desecration, which were not only inconsistent with fundamental human rights and freedoms, but also undermined social harmony and global peace and security. To reverse that disturbing new trend, States must enact effective legal and administrative remedies, in accordance with General Assembly resolution 69/174.

64. Ms. Al-Temimi (Qatar) said that her country was committed to fighting racism, discrimination and xenophobia, which were on the rise in many parts of the world and were increasingly being propagated using new communication technologies and media platforms. International cooperation was urgently needed to combat that growing scourge. Qatar was making intensive and continued efforts to protect and promote the rights guaranteed in the International Convention on the Elimination of All Forms of Racial Discrimination, to which it was a party, and to uphold the principles of equality and non-discrimination. To that end, the Ministry of the Interior had recently convened an international conference that had brought together 400 participants, representing some 50 organizations, to discuss ways to combat incitement to violence, discrimination and racial hatred. Qatar was also involved in the United Nations Alliance of Civilizations Initiative, which called for an end to violence and strove to disseminate a culture of tolerance and mutual respect between civilization based on the values of justice, equality and respect for human rights.

65. Out of its genuine desire to foster global peace and promote and respect human rights without discrimination on any grounds, including religion or belief, Qatar had established the Doha International Centre for Interfaith Dialogue, which strove to spread a culture of dialogue, acceptance and peaceful coexistence between followers of different religions. Qatar had also hosted the annual international Doha Conference for Interfaith Dialogue, which was attended by experts and representatives of different religions from all over the world.

66. Her delegation affirmed the importance of the right of all peoples to self-determination, insofar as respect for that right was a fundamental condition for the protection and promotion of human rights, international peace and mutual understanding. In that regard, the Palestinian people must be allowed to exercise their right to self-determination and to sovereignty over their natural resources, while Israel, the occupying Power, must withdraw fully from the Occupied Palestinian Territory, including East Jerusalem.

67. Qatar reiterated its commitment to work to advance a culture of peace, tolerance and respect between individuals and societies, with a view to achieving the common goals of promoting harmony and eliminating violence, extremism, racism, racial discrimination and xenophobia. Qatar believed that education could help combat the spread of extremist thought and all forms of racism, by establishing a culture of tolerance. The role of the youth in promoting a culture of peace, increasing awareness of shared values and eliminating extremism and incitement to hatred on the basis of religion or belief was indispensable.

68. Mr. Hassani Nejad Pirkouhi (Iran) said that collaboration among States was urgently needed to combat the threat posed by the numerous extremist political parties, movements and groups that had recently emerged worldwide. In that regard, the disaggregated data compiled by the United Nations with a view to combating discrimination, particularly on the basis of gender, should be made available to Member States for them to use in the formulation of their national development plans. It was crucial, however, that that data was made available in line with legal and ethical safeguards, so that it could not be used to identify and perpetrate acts of ethnic or religious violence against particular individuals or communities.

69. Iran was deeply concerned by increasingly frequent cases of Islamophobia, xenophobia and other forms of intolerance in many parts of the world, and the fact that certain political leaders were exploiting those forms of intolerance and hatred to further narrow political agendas. In his future reports on racism, racial discrimination, xenophobia and related intolerance, the Secretary-General should devote greater attention to the increasingly frequent incidences in which Islamophobia was perpetrated under the pretext of

freedom of expression, and the negative impact of that trend on the enjoyment by Muslims of their fundamental rights, including the right to freedom of religion.

70. The Iranian delegation was concerned by the extremist views expressed by certain European policy makers who viewed the refugees, asylum seekers and other migrants seeking refuge in Europe merely as a threat to the continent's living standards and social stability. The special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance was urged to work with the Office of the United Nations High Commissioner for Refugees to monitor the difficult situation and safeguard the rights of newly arrived migrants in Europe.

71. Mr. Kydyrov (Kyrgyzstan) said that discrimination on the basis of race or ethnicity was prohibited under his country's Constitution. The promotion of interethnic harmony in Kyrgyzstan was a key element of his country's National Sustainable Development Strategy for the period 2013 to 2017. Kyrgyzstan had created a national body to oversee efforts to promote societal integration and was striving to foster a sense of civic identity among all the country's citizens. In that regard, the State Agency for Local Self-Governance and Inter-Ethnic Relations closely monitored relations among the country's ethnic groups and strove to provide timely warnings of any potential unrest. Kyrgyzstan's regional authorities had also established advisory committees comprising leaders of various ethnic communities, civil society activists and religious figures to promote inter-ethnic harmony. Perpetrators of incitement to ethnic hatred, discrimination on the grounds of nationality or genocide faced prosecution under Kyrgyzstan's criminal code.

72. The participation of ethnic minorities in public and political life was a crucial step that could help strengthen the rights of those minorities. Kyrgyzstan had therefore established quotas for ethnic minorities in its legislative bodies and had adopted an integration policy which, while promoting the use of Kyrgyz and Russian, also sought to promote multilingual and multicultural education in schools and safeguard the country's linguistic diversity. All ethnic groups enjoyed the right to study and promote their native languages. In 2013, the Committee on the Elimination of Racial Discrimination had endorsed the political and legislative

steps taken by Kyrgyzstan to combat racial discrimination. Kyrgyzstan was particularly concerned at the spread of contemporary forms of racial discrimination, xenophobia and related intolerance, and the activities of extremist political groups. States must redouble their efforts to ensure that they complied fully with the Convention; Kyrgyzstan would continue to engage with the international community to that end.

73. **Mr. Hassani Nejad Pirkouhi** (Iran) welcomed the relevant reports of the Secretary-General that reaffirmed the right of the Palestinian people to self-determination, and the adoption of the General Assembly resolutions according non-Member observer State status to Palestine and authorizing the raising of flags at United Nations Headquarters of non-Member observer States, including Palestine. Despite those steps, the basic human rights of Palestinians in their homeland continued to be violated on a daily basis. In particular, the situation in Gaza, the world's largest prison camp, was an affront to humanity, and yet the international community seemed unable to resolve that outrageous situation. Ensuring non-discriminatory access by Palestinians in the whole of Palestine to their land, natural resources and livelihoods, putting an end to land confiscations, settlement construction and expansion, withdrawing all illegal settlers from the territories they had occupied and providing effective remedies to Palestinians for the harm they had suffered were initial steps that must be taken as part of the international community's reaffirmation of the Palestinian people's universally recognized right to self-determination, its inalienable, permanent and unqualified right to an independent State of Palestine, the permanent sovereignty of the Palestinian people over its natural resources, and its right to live in peace, freedom and dignity.

74. **Ms. Kupradze** (Georgia) said that the fiftieth anniversary of the adoption of the International Convention on the Elimination of All Forms of Racial Discrimination should serve as a strong incentive to all stakeholders to redouble their efforts to combat racism, racial discrimination, xenophobia and related intolerance. Georgia remained firmly committed to all relevant human rights instruments providing for equality among all members of society, irrespective of their gender, racial or ethnic origin, religion or belief, disability, age, sexual orientation or gender identity. With input from civil society and international actors, the Government of Georgia had adopted its first

National Strategy for the Protection of Human Rights and a related action plan, and had also enacted an anti-discrimination law with a view to eliminating all forms of discrimination in the public and private sectors. Georgia had also adopted a new Civic Equality and Integration Strategy for the period 2015-2020, together with a related action plan, to strengthen respect for the rights of ethnic minorities.

75. The Government of Georgia was extremely concerned by ongoing discrimination against Georgian citizens in the occupied regions of Abkhazia and South Ossetia. They were prevented from visiting relatives on the other side of the occupation line and had limited access to free social and healthcare services and to education in their native language. In particular, severe restrictions on Georgian language education had been imposed by the Russian occupation forces on ethnic Georgians in the Gali District of Abkhazia. Meanwhile, more than 400,000 internally displaced persons and refugees continued to be deprived of their fundamental right to return to their homes. The installation of barbed wire and so-called "border posts" along the occupation line had exacerbated the local population's difficult humanitarian situation by dividing families, restricting movement and blocking access to farmlands, cemeteries and religious sites. Georgia was, moreover, deeply concerned by the absence of international human rights monitoring mechanisms in the occupied regions, and the ongoing refusal of the occupation authorities to allow the United Nations High Commissioner for Human Rights, United Nations special rapporteurs and representatives of other human rights bodies to access those regions. As a member of the Human Rights Council for the 2016-2018 term, Georgia would continue to strive to ensure that basic human rights and freedoms were strengthened, both within the country and beyond.

Statements made in exercise of the right of reply

76. **Ms. Vilde** (Latvia) said that her country strongly condemned and rejected all totalitarian ideologies, all forms of extremism and radicalism, including neo-Nazism, anti-Semitism and all other forms of racism, xenophobia and related intolerance. With regard to the statement delivered by the representative of the Russian Federation, she emphasized that Latvia was constantly striving to promote and strengthen the identities of all national minorities living on its territory. Latvia was also promoting the acquisition of

Latvian citizenship, and had simplified legislative and naturalization procedures to that end. Some 84 per cent of Latvian residents held Latvian citizenship and more than 99 per cent of children obtained Latvian citizenship at birth. State-funded education was provided in seven national minority languages and more than 100 minority schools had been established in the country. The available data showed clearly that Latvia's social integration policies were working.

77. **Ms. Tasuja** (Estonia) said that her Government had accorded particular attention to promoting integration and facilitating the acquisition of Estonian citizenship. To resolve cases of undetermined citizenship, her Government has simplified the process by which legal residents could acquire Estonian citizenship. Estonia had also amended its citizenship law to facilitate the acquisition of citizenship by young people who had lived in the country for many years but had not obtained a residence permit. As a result, only 3 per cent of the population aged 30 or under were still of undetermined citizenship. Estonia was one of the few countries where all long-term residents, including those with undetermined citizenship, had the right to vote in local elections. All permanent residents enjoyed equal access to social services and residents with undetermined citizenship could travel visa-free to other European Union States and to Russia.

78. **Mr. Lukiyantsev** (Russian Federation) said that the representative of Georgia had erroneously referred to South Ossetia and Abkhazia as occupied territories. They were not, but rather sovereign independent States. The representative of Georgia must acknowledge that reality. The representatives of Estonia and Latvia should not dismiss the serious concerns of the Russian Federation regarding the rights of national minorities in those two countries. Instead their Governments must implement in full the recommendations formulated by international human rights experts and bodies to ensure that those minorities' rights were fully upheld.

79. **Ms. Kupradze** (Georgia) said that the representative of the Russian Federation was attempting to mislead the international community by denying the fact that it was an occupying Power that continued to instigate racism and racial discrimination against ethnic Georgians living in occupied regions of Georgia. The Government of Georgia was constantly striving to shoulder its responsibility to combat racism and racial discrimination and protect and promote the

human rights of all the country's citizens. Regrettably, however, the Georgian Government was denied the right to address the humanitarian needs of ethnic Georgians in the occupied regions, especially in the Gali District of Abkhazia, which remained under illegal Russian occupation. In particular, ethnic Georgians residing in those regions were prevented from exercising their fundamental rights to education in their native language, healthcare access and freedom of movement. The international community must redouble its efforts to prevent those abuses, which all States should condemn in the strongest possible terms. Georgia was deeply concerned by the absence of international human rights monitoring mechanisms in the occupied regions. In that connection she reminded the Committee that a former United Nations High Commissioner for Human Rights had referred to those regions as "black holes" due to the absence of international monitoring mechanisms there.

80. **Ms. Mansouri** (Algeria) said that it was surprising to hear the representative of a certain country refer to the right to self-determination when that country was, itself, preventing people from exercising that right. That country should allow its own citizens to enjoy that right before criticizing other States. The key issue that must be addressed remained the self-determination of the people of Western Sahara, which, despite numerous United Nations resolutions, remained under illegal military occupation. The occupying Power must comply with international law, withdraw from the territories it had occupied and allow the Saharawi people to exercise their legitimate right to self-determination, in accordance with relevant United Nations resolutions.

81. **Mr. Rabi** (Morocco) said that the statement delivered by the Algerian representative was paradoxical and schizophrenic. She was in no position to criticize the human rights situation of other States. Indeed, how could her country claim to be defending the right to self-determination for Moroccan citizens when it denied that very right to the minority populations living within its borders? Algeria must allow all minority groups on its territory to exercise their right to self-determination. The international community must, moreover, pay close attention to any violations of their rights, particularly as Algeria was among the world's worst perpetrators of human rights abuses and continued to carry out arbitrary arrests, torture and other violations and refused to comply with

international human rights instruments. The United Nations human rights bodies and relevant non-governmental organizations, including Human Rights Watch were well-aware of the dire human rights situation in Algeria and the Committee against Torture had voiced serious concerns regarding human rights violations carried out in secret detention centres operated by Algeria's security forces. Freedom of expression was severely curtailed in the country, and the Working Group on Enforced or Involuntary Disappearances and Amnesty International had both deplored the Algerian authorities' refusal to investigate the disappearance without trace of between 4,000 and 7,000 individuals.

82. **Ms. Mansouri (Algeria)** said that her Government rejected all inflammatory statements by the Moroccan delegation regarding the Saharawi people. Western Sahara had been included in the United Nations list of Non-Self-Governing Territories for many years. Morocco must desist from oppressing the Saharawi people in the territories it had occupied and allow them to exercise their legitimate rights, including their right to self-determination.

83. **Mr. Rabi (Morocco)** said that the allegations made by the representative of Algeria against her country were baseless lies. As usual, the Algerian delegation was levelling accusations against another State in order to draw attention away from its own gross human rights violations. Morocco's commitment to upholding and advancing human rights had been widely recognized by the international community. That was certainly not the case for Algeria, which, inter alia, placed severe restrictions on the media and, unlike Morocco, refused to cooperate with United Nations and non-governmental human rights bodies. Indeed, Algeria had refused to authorize visits by United Nations special procedures and rapporteurs for many years. Until it agreed to cooperate with the United Nations human rights mechanisms and procedures, Algeria should refrain from levelling baseless accusations regarding the human rights situation in the Moroccan Sahara. Algeria must, moreover, shoulder its responsibility for the situation there and engage constructively with all relevant stakeholders with a view to reaching a peaceful negotiated settlement to the dispute that was fair, sustainable and mutually acceptable, in accordance with relevant Security Council resolutions.

The meeting rose at 5.50 p.m.